

1 Joel E. Boxer - State Bar No. 50169
jeb@birdmarella.com
2 Bonita D. Moore - State Bar No. 221479
bdm@birdmarella.com
3 Mary H. Hansel - State Bar No. 223515
mhh@birdmarella.com
4 BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS & LINCENBERG, P.C.
5 1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
6 Telephone: (310) 201-2100
Facsimile: (310) 201-2110
7

8 Attorneys for James P. Spears and Andrew
M. Wallet as Co-Conservators of the Estate
of Britney Jean Spears, on behalf of
9 Defendant Britney Jean Spears

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
12

13 SAM LUTFI, an individual,

14 Plaintiff,

15 vs.

16 LYNNE IRENE SPEARS, an individual,
JAMES PARNELL SPEARS, an
17 individual, BRITNEY JEAN SPEARS, an
individual; and DOES 1 through 25,
18 inclusive,

19 Defendants.
20
21
22
23
24
25
26
27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 16 2012

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez, Deputy
Raul Sanchez

CASE NO. BC 406904

*Assigned to the Honorable Soussan G.
Bruguera, Dept. 71*

**DECLARATION OF JOEL E. BOXER
IN SUPPORT OF THE CO-
CONSERVATORS' OPPOSITION TO
PLAINTIFF'S MOTION *IN LIMINE*
NO. 2**

Date: July 27, 2012
Time: 10:00 a.m.
Dept.: 71

Action Filed: February 3, 2009
Trial Date: October 1, 2012

1
2 I, Joel E. Boxer, declare as follows:

3 1. I am an active member of the State Bar of California and a Principal with
4 Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg, a Professional Corporation,
5 attorneys of record for James P. Spears and Andrew M. Wallet as Co-Conservators of the
6 Estate of Britney Jean Spears ("the Co-Conservators"). I make this declaration in support
7 of the Co-Conservators' Opposition to Plaintiff's Motion *In Limine* No. 2. Except for
8 those matters stated on information and belief, I make this declaration based upon personal
9 knowledge and, if called upon to do so, I could and would so testify.

10 2. True and correct copies of James P. Spears' ("Mr. Spears") February 1, 2008
11 Petition for Appointment of Temporary Conservator of Person and Petition for
12 Appointment of Temporary Conservator of Estate, which have been designated as Joint
13 Trial Exhibit Nos. 310 and 311, respectively, are attached hereto as Exhibit A.

14 3. True and correct copies of the Probate Court's February 1, 2008 Letters of
15 Temporary Conservatorship of Person and Letters of Temporary Conservatorship of
16 Estate, which have been designated as Joint Trial Exhibit Nos. 312 and 313, respectively,
17 are attached hereto as Exhibit B.

18 4. True and correct copies of the Probate Court's February 6, 2008 Order
19 Extending Temporary Letters of Conservatorship of the Person and Order Extending
20 Temporary Letters of Conservatorship of the Estate, which have been designated as Joint
21 Trial Exhibit Nos. 315 and 316, respectively, are attached hereto as Exhibit C.

22 5. A true and correct copy of the Probate Court's February 1, 2008 Notice of
23 Hearing and Temporary Restraining Order against Lutfi, which has been designated as
24 Joint Trial Exhibit No. 314, is attached hereto as Exhibit D.

25 6. True and correct copies of the Probate Court's February 14, 2008 Order
26 Extending Temporary Letters of Conservatorship of the Person and Order Extending
27 Temporary Letters of Conservatorship of the Estate, which have been designated as Joint
28 Trial Exhibit Nos. 317 and 318, respectively, are attached hereto as Exhibit E.

1 7. A true and correct copy of the July 30, 2008 letter agreement, which has
2 been designated as Joint Trial Exhibit 323, is attached hereto as Exhibit F.

3 8. A true and correct copy of the Co-Conservators' Request for Orders to Stop
4 Harassment, dated January 30, 2009, which has been designated as Joint Trial Exhibit 326,
5 is attached hereto as Exhibit G.

6 9. A true and correct copy of the January 30, 2009 Notice of Hearing and
7 Temporary Restraining Order issued against Lutfi, which has been designated as Joint
8 Trial Exhibit 327, is attached hereto as Exhibit H.

9 10. A true and correct copy of the April 28, 2009 Restraining Order After
10 Hearing to Stop Harassment, which has been designated as Joint Trial Exhibit 331, is
11 attached hereto as Exhibit I.

12 11. A true and correct copy of Minute Order re Court's Ruling(s) (Hon. Scott M.
13 Gordon), entered September 17, 2007 in Los Angeles Superior Court Case No. BD455662,
14 is attached hereto as Exhibit J.

15 12. A true and correct copy of the Court's Order Regarding Request to Seal
16 Documents, filed September 17, 2007 in Los Angeles Superior Court Case No. BD455662,
17 is attached hereto as Exhibit K.

18 13. A true and correct copy of Order re Drug and Alcohol Testing of Petitioner,
19 filed September 28, 2007 in Los Angeles Superior Court Case No. BD455662, is attached
20 hereto as Exhibit L.

21 14. A true and correct copy of Minute Order entered October 3, 2007 in Los
22 Angeles Superior Court Case No. BD455662, is attached hereto as Exhibit M.

23 15. A true and correct copy of the Reporter's Transcript of Proceedings for June
24 15, 2011 (Hon. Zaven V. Sinanian presiding), is attached hereto as Exhibit N.

25 ///

26 ///

27 ///

28 ///

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that I executed this declaration on July 15, 2012, at Los
3 Angeles, California.

4
5
6 
7 _____
8 Joél E. Boxer
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Geraldine A. Wyle, SBN 89735 Jeryll S. Cohen, SBN 125392 Vivian L. Thoreen, SBN 224162 Luce, Forward, Hamilton & Scripps LLP 601 South Figueroa Street, Suite 3900, Los Angeles, California 90017 TELEPHONE NO.: (213) 892-4992 FAX NO. (Optional): (213) 892-7731 E-MAIL ADDRESS (Optional): gwyle@luce.com; jcohen@luce.com; vthoreen@luce.com ATTORNEY FOR (Name): James P. Spears		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT FEB 1 2008 JOHN A. CLARKE, CLERK BY <i>G. Perez</i> PEREZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central		
TEMPORARY: <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP OF (Name): Britney Jean Spears <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> CONSERVATEE		
PETITION FOR APPOINTMENT OF TEMPORARY <input type="checkbox"/> GUARDIAN <input checked="" type="checkbox"/> CONSERVATOR <input checked="" type="checkbox"/> Person* <input type="checkbox"/> Estate*		
		CASE NUMBER: BP108870

1. Petitioner (name each): James P. Spears

requests that

a. (Name): James P. Spears

(Address and 10945 Bluffs Drive, Studio City, California 91604
 telephone number): (818) 761-4345

be appointed temporary ☐ guardian ☒ conservator of the PERSON of the
☐ minor ☒ proposed conservatee and Letters issue upon qualification.

b. (Name):

be appointed temporary ☐ guardian ☐ conservator of the ESTATE of the
☐ minor ☐ proposed conservatee and Letters issue upon qualification.

- c. (1) ☒ bond not be required because petition is for a temporary guardianship or conservatorship of the person only.
 (2) ☐ bond not be required for the reasons stated in Attachment 1c.
 (3) ☐ \$ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
 (Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320.)
 (4) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location):

- d. ☒ the powers specified in Attachment 1d be granted in addition to the powers provided by law.
 e. ☒ an order be granted dispensing with notice to the ☐ minor ☒ proposed conservatee ☐ minor's mother
☐ minor's father ☐ other person having a visitation order for the reasons stated in Attachment 1e.
 (Identify each by name and relationship.)

f. ☒ other orders be granted (specify in Attachment 1f).

2. The ☐ minor ☒ proposed conservatee is (name): Britney Jean Spears

Current address: UCLA Medical Center, 10833 Le Conte Avenue,
 Westwood, California 90095

Current telephone no.: (310) 825-9111

3. The ☐ minor ☒ proposed conservatee requires a temporary ☐ guardian ☒ conservator to ☒ provide
 for temporary care, maintenance, and support ☒ protect property from loss or injury because
 (facts are ☐ specified in Attachment 3 ☒ as follows):
 See Confidential Supplemental Information

*You MAY use this form or form GC-110(P) for a temporary guardianship of the person. You MUST use this form for a
 temporary guardianship of the estate or the person and estate or for a temporary conservatorship.

Form Adopted for Mandatory and Alternative
 Mandatory Use Instead of Form GC-110(P)
 Judicial Council of California
 GC-110 (Rev. January 1, 2007)

PETITION FOR APPOINTMENT OF
 TEMPORARY GUARDIAN OR CONSERVATOR
 (Probate—Guardianships and Conservatorships)

Page 1 of 2

Probate Code, § 2250;
 Cal. Rules of Court, rule 7.101
 www.courtinfo.ca.gov

American LegalNet, Inc.
 www.FormsWorkshop.com

000623

Ex. 310

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP OF (Name): Britney Jean Spears	CASE NUMBER: <u>BP10887d</u>
<input type="checkbox"/> MINOR <input checked="" type="checkbox"/> CONSERVATEE	

4. Temporary ☐ guardianship ☒ conservatorship is required
- a. ☒ pending the hearing on the petition for appointment of a general ☐ guardian ☒ conservator,
b. ☐ pending the appeal under Probate Code section 1301.
c. ☐ during the suspension of powers of the ☐ guardian ☐ conservator.
5. ☒ (Complete if a temporary guardianship or conservatorship of the estate or person and estate is requested.)

Character and estimated value of the property of the estate:

- a. Personal property: \$
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ Unknown
- c. Total: \$ 0.00
6. ☐ Change of Residence of Proposed Conservatee
- a. ☐ Petitioner requests that the residence of the proposed conservatee be changed to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (precise reasons are

☐ specified in Attachment 6a ☐ as follows:

- b. ☐ The proposed conservatee must be removed from the State of California to permit the performance of the following non psychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment.

(Facts and place of treatment are ☐ specified in Attachment 6b ☐ as follows):

- c. (Change of residence only) The proposed conservatee

- (1) ☐ will attend the hearing.
(2) ☐ is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
(3) ☐ is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as Attachment 6c.
(4) ☐ is not the petitioner, is out of state, and will not attend the hearing.

- d. ☐ (Change of residence only) Filed with this petition is a proposed Order Appointing Court Investigator (form GC-330).

7. Petitioner believes the ☐ minor ☒ proposed conservatee ☐ will ☒ will not attend the hearing.

8. All attachments to this form are incorporated by this reference as though placed here in this form. There are 2 pages attached to this form.

Date: January 31, 2008

(Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 31, 2008

James P. Spears

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF PETITIONER)

Petition for Appointment of
Temporary Conservator
of the Person
Briney Jean Spears
Attachment 1.d

Petitioner requests that the Court grant the Temporary Conservator of the Person the following powers in addition to the powers provided by law:

1. The power to make all medical and health care decisions for the Conservatee under Probate Code Section 2355, including but not limited to, the power to consent to and authorize hospitalization and a full medical evaluation and diagnostic tests, including but not limited to, blood work-up, urine test, psychiatric evaluation, to prevent the Conservatee from discharging herself from the hospital, to authorize the hospital to use security personnel to prevent the conservatee from leaving the hospital and to authorize the medical staff to use restraints, if necessary, and recommended by the Conservatee's treating physician.
2. The power to restrict and limit visitors; provided that the Temporary Conservator shall not prevent the Conservatee from meeting with her attorney, subject to the Temporary Conservator's approval of the location for the meeting and ability to secure it in order to protect the Conservatee.
3. The power to retain caretakers for the Conservatee on a 24 hour/7 day basis.
The power to retain security guards for the Conservatee on a 24 hour/7 day basis.

000625

04/02/09

04/02/09

Petition for Appointment of
Temporary Conservator
of the Person
Britney Jean Spears
Attachment 1.f

Additional Powers are granted as follows:

The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or further order of the Court.

04/02/09

000626

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Geraldine A. Wyle, SBN 89735 Jeryl S. Cohen, SBN 125392 Vivian L. Thoreen, SBN 224162 Luce, Forward, Hamilton & Scripps LLP 601 South Figueroa Street, Suite 3900, Los Angeles, California 90017 TELEPHONE NO.: (213) 892-4992 FAX NO. (Optional): (213) 892-7731 E-MAIL ADDRESS (Optional): gwyle@luce.com; jcohen@luce.com; vthoreen@luce.com ATTORNEY FOR (Name): James P. Spears		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT FEB 01 2008 JOHN A. CLARKE, CLERK BY <i>[Signature]</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central		
TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP OF (Name): Britney Jean Spears <div style="text-align: right;"> <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> CONSERVATEE </div>		
PETITION FOR APPOINTMENT OF TEMPORARY <input type="checkbox"/> GUARDIAN <input checked="" type="checkbox"/> CONSERVATOR <input type="checkbox"/> Person* <input checked="" type="checkbox"/> Estate*		
		CASE NUMBER: <i>BP108870</i>

1. Petitioner (name each): James P. Spears

requests that

- a. (Name):
(Address and telephone number):
he appointed temporary ☐ guardian ☐ conservator of the PERSON of the ☐ minor ☒ proposed conservatee and Letters issue upon qualification.
- b. (Name): James P. Spears and Andrew M. Wallet
(Address and same as above; 2215 Colby Avenue, Los Angeles, California 90064 telephone number): (818) 761-4345; (310) 473-7000
he appointed temporary ☐ guardian ☒ conservator of the ESTATE of the ☐ minor ☒ proposed conservatee and Letters issue upon qualification.
- c. (1) ☐ bond not be required because petition is for a temporary guardianship or conservatorship of the person only.
(2) ☐ bond not be required for the reasons stated in Attachment 1c.
(3) ☒ \$ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
(Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320.)
(4) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed. See Attachment 1c.
(Specify institution and location):
- d. ☒ the powers specified in Attachment 1d be granted in addition to the powers provided by law.
- e. ☒ an order be granted dispensing with notice to the ☐ minor ☒ proposed conservatee ☐ minor's mother ☐ minor's father ☐ other person having a visitation order for the reasons stated in Attachment 1e.
(Identify each by name and relationship.)
- f. ☒ other orders be granted (specify in Attachment 1f).
2. The ☐ minor ☒ proposed conservatee is (name): Britney Jean Spears
Current address: UCLA Medical Center, 10833 Le Conte Avenue, Westwood, California 90095
Current telephone no.: (310) 825-9111
3. The ☐ minor ☒ proposed conservatee requires a temporary ☐ guardian ☒ conservator to ☒ provide for temporary care, maintenance, and support ☒ protect property from loss or injury because (facts are ☐ specified in Attachment 3 ☒ as follows):
See Confidential Supplemental Information

*You MAY use this form or form GC-110(P) for a temporary guardianship of the person. You MUST use this form for a temporary guardianship of the estate or the person and estate or for a temporary conservatorship.

Form Adopted for Mandatory and Alternative
Mandatory 1/2s Instead of Form GC-110(P)
Judicial Council of California
GC-110 (Rev. January 1, 2007)

PETITION FOR APPOINTMENT OF
TEMPORARY GUARDIAN OR CONSERVATOR
(Probate—Guardianships and Conservatorships)

000627

Page 1 of 2
Probate Code, § 2250;
Cal. Rules of Court, rule 7.101
www.courtinfo.ca.gov

American LegalNet, Inc.
www.ForsisWorkflow.com

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP OF (Name): Britney Jean Spears	CASE NUMBER: <u>BP108870</u>
<input type="checkbox"/> MINOR <input checked="" type="checkbox"/> CONSERVATEE	

4. Temporary ☐ guardianship ☒ conservatorship is required
- a. ☒ pending the hearing on the petition for appointment of a general ☐ guardian ☒ conservator,
b. ☐ pending the appeal under Probate Code section 1301.
c. ☐ during the suspension of powers of the ☐ guardian ☐ conservator.
5. ☒ (Complete if a temporary guardianship or conservatorship of the estate or person and estate is requested.)

Character and estimated value of the property of the estate:

- a. Personal property: \$ _____
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____ Unknown
- c. Total: \$ _____ 0.00
6. ☐ Change of Residence of Proposed Conservatee
- a. ☐ Petitioner requests that the residence of the proposed conservatee be changed to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (precise reasons are

☐ specified in Attachment 6a ☐ as follows:

- b. ☐ The proposed conservatee must be removed from the State of California to permit the performance of the following non psychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment.

(Facts and place of treatment are ☐ specified in Attachment 6b ☐ as follows):

- c. (Change of residence only) The proposed conservatee

- (1) ☐ will attend the hearing.
(2) ☐ is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
(3) ☐ is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as Attachment 6c.
(4) ☐ is not the petitioner, is out of state, and will not attend the hearing.

- d. ☐ (Change of residence only) Filed with this petition is a proposed Order Appointing Court Investigator (form GC-330).

7. Petitioner believes the ☐ minor ☒ proposed conservatee ☐ will ☒ will not attend the hearing.

8. All attachments to this form are incorporated by this reference as though placed here in this form. There are 3 pages attached to this form.

Date: January 31, 2008

(Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 31, 2008

James P. Spears

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF PETITIONER)

000628

04/02/09

Petition for Appointment of
Temporary Conservator
of the Estate
Britney Jean Spears
Attachment 1.c

The Petitioner requests that the Court set a minimum bond, if any, since the assets of the Conservatee are currently in the possession, control, and custody of the Conservatee's business manager, Howard Grossman of Goldman, Lichtenberg, Wasserman & Grossman, Inc., and the Petitioner does not know the nature and extent of the Conservatee's assets at this time. Upon the appointment of a temporary conservator(s) of the estate, the conservator(s) will marshal the assets of the Conservatee and request an appropriate increase in the bond upon determination of the nature and extent of the Conservatee's assets.

04/02/09

000629

Petition for Appointment of
Temporary Conservator
of the Estate
Britney Jean Spears
Attachment 1.d

The Petitioner Requests that the Court grant the Temporary Conservator of the Estate the following powers in addition to the powers provided by law:

1. The power to obtain all documents and records relating to the Conservatee and her assets, whether held in her name or in the name of another, including but not limited to, all records currently in the possession and control of the Conservatee's business manager, Howard Grossman, her attorneys, and others, all contracts, information relating to credit cards, bank statements, estate planning documents, and receivables.
2. The power to take all actions necessary to secure the Conservatee's assets, including the power to enter and take possession and control of the Conservatee's residence, identified in the Confidential Supplemental Information, to remove all persons from the residence and take any and all actions necessary to secure the residence, including changing the locks, call on law enforcement and employ security guards at the expense of the Conservatorship Estate.
3. The power to take all actions necessary to secure the Conservatee's liquid assets, including but not limited to, the power to cancel all credit cards.
4. The power to revoke all powers of attorneys, including powers of attorney for making health care decisions and managing real estate, and to terminate any and all agencies.
5. The power to commence and maintain litigation and participate in any litigation with respect to which the Conservatee is a party or has an interest, and the power to retain counsel and experts, and to pay same from the Conservatorship Estate.
6. Pursuant to Probate Code Section 2590, the following powers set forth in Probate Code Section 2591:
 - a. To contract for the conservatorship and perform outstanding contracts and thereby bind the estate.
 - b. To operate at the risk of the estate a business constituting an asset of the estate.
 - c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the Conservatorship Estate.
 - d. To employ attorneys, accountants, investment counsel, agents, depositaries, and employees and to pay the expenses, and the power to fire any of the same.

04/02/05

000630

Petition for Appointment of
Temporary Conservator
of the Estate
Britney Jean Spears
Attachment 1.f

Additional Powers are granted as follows:

The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or further order of the Court.

04/02/09

000631



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state, number, and address):
 AP: recording return to:
 Geraldine A. Wyle, SBN 89735
 Jeryll S. Cohen, SBN 125392
 Vivian L. Thoreen, SBN 224162
 Luce, Forward, Hamilton & Scripps LLP
 601 S. Figueroa St., Suite 3900, Los Angeles, CA 90017
 TELEPHONE NO.: (213) 892-4992
 FAX NO. (Optional): (213) 892-7731
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): James P. Spears
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS: 111 North Hill Street
 CITY AND ZIP CODE: Los Angeles, California 90012
 BRANCH NAME:
 TEMPORARY ☐ GUARDIANSHIP ☒ CONSERVATORSHIP
 OF (Name): Britney Jean Spears
☐ MINOR ☒ CONSERVATEE
 LETTERS OF TEMPORARY ☐ GUARDIANSHIP ☒ CONSERVATORSHIP
☒ Person ☐ Estate

FOR RECORDER'S USE ONLY

CASE NUMBER:

BP108870

FOR COURT USE ONLY

FILED

LOS ANGELES SUPERIOR COURT

FEB 01 2008

JOHN A. CLARKE, CLERK

BY *G. Perez* DEPUTY

1. (Name): James P. Spears

is appointed temporary ☐ guardian ☒ conservator of the ☒ person ☐ estate of (name): Britney Jean Spears2. ☒ Other powers have been granted or restrictions imposed on the temporary
☐ guardian ☒ conservator as ☐ specified below
☒ specified in Attachment 2.

3. These Letters shall expire

a. ☐ on (date): _____ or upon earlier issuance of Letters to a general
guardian or conservator.
b. ☒ other date (specify): _____4. ☒ The temporary ☐ guardian ☒ conservator is not authorized to take possession of money or any other property
without a specific court order.5. Number of pages attached: 2

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: 2-1-08

Clerk, by

G. Perez
(DEPUTY)

AFFIRMATION

I solemnly affirm that I will perform the duties of temporary ☐ guardian ☒ conservator according to law.

Executed on (date): January 31, 2008

at (place): Los Angeles, California.

James P. Spears

James P. Spears
(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document and any attachments is a correct copy of
the original on file in my office, and that the Letters issued to the
person appointed above have not been revoked, annulled, or set
aside and are still in full force and effect.

(SEAL)

WITNESS, clerk of the court, with
seal of the court affixed.

Date:

Clerk, by

(DEPUTY)

Form Approved for Mandatory Use
Judicial Council of California
GC-150 (Rev. January 1, 2003)LETTERS OF TEMPORARY
GUARDIANSHIP OR CONSERVATORSHIPProbate Code, § 2250 et seq.
Code of Civil Procedure, § 2015.6
2003 © American LegalNet, Inc.

Ex. 312

XB

BP 108870

Order Appointing
Temporary Conservator
of the Person
Britney Jean Spears
Attachment 13

The Temporary Conservator of the Person is granted the following powers in addition to the powers provided by law:

1. ~~The power to make all medical and health care decisions for the Conservatee under Probate Code Section 2355, including but not limited to, the power to consent to and authorize hospitalization and a full medical evaluation and diagnostic tests, including but not limited to, blood work-up, urine test, psychiatric evaluation, to prevent the Conservatee from discharging herself from the hospital, to authorize the hospital to use security personnel to prevent the conservatee from leaving the hospital and to authorize the medical staff to use restraints, if necessary, and recommended by the Conservatee's treating physician.~~

2. The power to restrict and limit visitors; provided that the Temporary Conservator shall not prevent the Conservatee from meeting with her attorney, subject to the Temporary Conservator's approval of the location for the meeting and ability to secure it in order to protect the Conservatee.

3. The power to retain caretakers for the Conservatee on a 24 hour/7 day basis.
The power to retain security guards for the Conservatee on a 24 hour/7 day basis.

ppb4. The power to prosecute civil Harassment
Restraining Orders that the Temporary Conservator
deems appropriate. ppb

BP108870

- pbb
5. PVP Counsel shall review and discuss the Orders and related pleadings with the Conservatee. PVP Counsel shall retain all copies of the Orders and pleadings and shall not leave them with the Conservatee.
 6. The temporary conservator shall have access to any and all medical records and to communications with treating and other expert medical personnel. pbb

Order Appointing
Temporary Conservator
of the Person
Britney Jean Spears
Attachment 14

BP108870

Additional Powers are granted as follows:

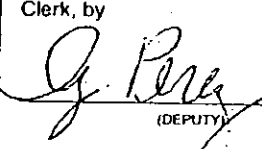
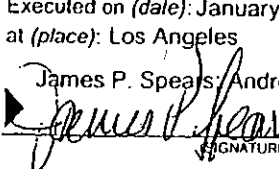
The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or further order of the Court, *in no event later than February 4, 2008*

IT IS SO ORDERED.

Dated: 2/1/08

Reva G. Goetz
Hon. Aviva K. Bobb
Judge of the Superior Court

REVA G. GOETZ, COMMISSIONER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, street address, and address) After recording, return to: Geraldine A. Wyle, SBN 89735 Jeryll S. Cohen, SBN 125392 Vivian L. Thoreen, SBN 224162 Luce, Forward, Hamilton & Scripps LLP 601 S. Figueroa St., Suite 3900, Los Angeles, CA 90017 TELEPHONE NO.: (213) 892-4992 FAX NO. (Optional): (213) 892-7731 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): James P. Spears		SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME:	
TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP OF (Name): Britney Jean Spears		FOR RECORDER'S USE ONLY CASE NUMBER: BP103870 - FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT FEB 01 2008 JOHN A. CLARKE, CLERK BY G. PEREZ, DEPUTY	
LETTERS OF TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input checked="" type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> Person <input checked="" type="checkbox"/> Estate		LETTERS 1. (Name): James P. Spears and Andrew M. Wallet is appointed temporary <input type="checkbox"/> guardian <input checked="" type="checkbox"/> conservator of the <input type="checkbox"/> person <input checked="" type="checkbox"/> estate of (name): Britney Jean Spears 2. <input checked="" type="checkbox"/> Other powers have been granted or restrictions imposed on the temporary <input type="checkbox"/> guardian <input checked="" type="checkbox"/> conservator as <input type="checkbox"/> specified below <input checked="" type="checkbox"/> specified in Attachment 2. 3. These Letters shall expire a. <input type="checkbox"/> on (date): _____ or upon earlier issuance of Letters to a general guardian or conservator. b. <input checked="" type="checkbox"/> other date (specify): _____ 4. <input type="checkbox"/> The temporary <input type="checkbox"/> guardian <input type="checkbox"/> conservator is not authorized to take possession of money or any other property without a specific court order. 5. Number of pages attached: <u>2</u> WITNESS, clerk of the court, with seal of the court affixed.	
(SEAL) Date: <u>2-1-08</u> Clerk, by  (DEPUTY)		AFFIRMATION I solemnly affirm that I will perform the duties of temporary <input type="checkbox"/> guardian <input checked="" type="checkbox"/> conservator according to law. Executed on (date): January 31, 2008 at (place): Los Angeles, California. James P. Spears, Andrew M. Wallet  (SIGNATURE OF APPOINTEE)	
CERTIFICATION I certify that this document and any attachments is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.		(SEAL) WITNESS, clerk of the court, with seal of the court affixed. Date: Clerk, by _____ (DEPUTY)	

Ex. 313

Order Appointing
Temporary Conservator
of the Estate
Britney Jean Spears
Attachment 13

BP108870

The Temporary Conservator of the Estate is granted the following powers in addition to the powers provided by law:

~~1. The power to obtain all documents and records relating to the Conservatee and her assets, whether held in her name or in the name of another, including but not limited to, all records currently in the possession and control of the Conservatee's business manager, Howard Grossman, her attorneys, and others, all contracts, information relating to credit cards, bank statements, estate planning documents, and receivables.~~ *RB*

2. The power to take all actions necessary to secure the Conservatee's assets, including the power to enter and take possession and control of the Conservatee's residence, to remove all persons from the residence and take any and all actions necessary to secure the residence, including changing the locks, call on law enforcement and employ security guards at the expense of the Conservatorship Estate.

3. The power to take all actions necessary to secure the Conservatee's liquid assets, including but not limited to, the power to cancel all credit cards.

4. The power to revoke all powers of attorneys, including powers of attorney for making health care decisions and managing real estate, and to terminate any and all agencies.

5. The power to commence and maintain litigation and participate in any litigation with respect to which the Conservatee is a party or has an interest, and the power to retain counsel and experts, and to pay same from the Conservatorship Estate, *related to the family law case.*

6. Pursuant to Probate Code Section 2590, the following powers set forth in Probate Code Section 2591:

~~a. To contract for the conservatorship and perform outstanding contracts and thereby bind the estate, *including confidentiality agreements.*~~

~~b. To operate at the risk of the estate a business constituting an asset of the estate.~~ *RB*

~~c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the Conservatorship Estate.~~

~~d. To employ attorneys, accountants, investment counsel, agents, depositories, and employees and to pay the expenses, and the power to fire any of the same.~~ *RB*

Order Appointing
Temporary Conservator
of the Estate
Britney Jean Spears
Attachment 14

BP108870

Additional Powers are granted as follows:

7. The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or further order of the Court.

8. Temporary Conservators have the power to prosecute Civil Harassment Restraining Orders that they deem to be appropriate.

IT IS SO ORDERED.

Dated: 2/1/08

Reva S. Goetz
Hon. ~~Aviva K. Robb~~ REVA S. GOETZ, COMMISSIO
Judge of the Superior Court
State of California



1 Geraldine A. Wyle, State Bar No. 089735
Jeryll S. Cohen, State Bar No. 125392
2 Jeffrey D. Wexler, State Bar No. 132256
Vivian L. Thoreen, State Bar No. 224162
3 **LUCE, FORWARD, HAMILTON & SCRIPPS LLP**
601 South Figueroa Street, Suite 3900
4 Los Angeles, California 90017
Telephone No.: 213.892.4992
5 Fax No.: 213.892.7731

6 Attorneys for James P. Spears,
Temporary Conservator of the Person and
7 Temporary Co-Conservator of the Estate

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 In re the Conservatorship of the Person of

12
13 **BRITNEY JEAN SPEARS,**

14
15 Proposed Conservatee.

Case No. BP 108870

**ORDER EXTENDING TEMPORARY
LETTERS OF CONSERVATORSHIP OF
THE PERSON**

Date: February 4, 2008
Time: 1:30 p.m.
Dept.: 9
Judge: Hon. Reva Goetz, Judge Pro Tem

16
17
18
19
20
21 The further hearing on the Petition for Appointment of Temporary Conservator of the
22 Person of Britney Jean Spears ("Ms. Spears"), filed by James P. Spears, came on regularly for
23 hearing on February 4, 2008 at 1:30 p.m. in Department 9 of the Los Angeles Superior Court,
24 Central District, the Honorable Reva Goetz, Judge Pro Tem presiding. Jeryll S. Cohen, Vivian L.
25 Thoreen, and Jeffrey D. Wexler of Luce, Forward, Hamilton & Scripps LLP appeared on behalf of
26 Petitioner James P. Spears ("Mr. Spears"), Temporary Conservator of the Person and Co-
27 Conservator of the Estate of Ms. Spears. Samuel D. Ingham III appeared as the court-appointed
28 PVP counsel on behalf of Ms. Spears. Andrew M. Wallet of Hinojosa & Wallet appeared on

000232

ORDER EXTENDING TEMPORARY LETTERS OF CONSERVATORSHIP OF THE PERSON

FILED
LOS ANGELES SUPERIOR COURT

FEB 06 2008

JOHN A. CLARKE, CLERK
John Williams
BY S.L. WILLIAMS, DEPUTY

02/27/09

1 behalf of Andrew M. Wallet as the Temporary Co-Conservator of the Estate of Ms. Spears. Adam
2 F. Streisand of Loeb & Loeb LLP appeared purportedly on behalf of Ms. Spears. From proof
3 made to the satisfaction of the court,
4

5 THE COURT FINDS AS FOLLOWS:

6 1. Notice of time and place of hearing has been given as required by law or dispensed
7 with.

8 2. On February 1, 2008, the Court appointed Mr. Spears as Temporary Conservator of
9 Ms. Spears' Person, and Letters of Temporary Conservatorship of the Person were issued to Mr.
10 Spears on the same day.

11 3. On February 1, 2008, the Court appointed PVP counsel Samuel D. Ingham III as
12 the Conservatee's court-appointed attorney.

13 4. It is in the best interest of the Conservatee that the Temporary Conservatorship be
14 continued over the Conservatee's Person.

15 5. Mr. Spears is a suitable and qualified person and is authorized to continue as the
16 ~~Temporary~~ Conservator of Ms. Spears' Person.

17 6. It is necessary and appropriate that the Letters of Temporary Conservatorship of the
18 Person issued to Mr. Spears on February 1, 2008 be extended to February 14, 2008 for further
19 hearing.

20 7. As a result of the pleadings that have been filed, the declaration by J. Edward Spar,
21 M.D., and the Report of PVP counsel Mr. Ingham, the court finds that Ms. Spears does not have
22 the capacity to retain counsel and she lacked the capacity to retain Adam F. Streisand as her
23 counsel.

24 8. Ms. Spears has a right to be present at this hearing, and she is not present.
25 According to Dr. Spar's declaration, Ms. Spears does not have the ability to attend the hearing.
26 Mr. Ingham indicated in his Report that Ms. Spears was given an opportunity through him to
27 communicate to the Court, and she has elected not to. On the basis of Dr. Spar's declaration and
28 Mr. Ingham's Report, the Court should waive Ms. Spears' presence at the hearing.

1 9. Mr. Ingham met with Ms. Spears on February 3, 2008.

2
3 THE COURT ORDERS AS FOLLOWS:

4 1. Notice of time and place of hearing has been given as required by law or dispensed
5 with.

6 2. Ms. Spears does not have the capacity to retain counsel.

7 3. Ms. Spears lacked the capacity to retain Adam F. Streisand as her counsel.

8 4. Ms. Spears' attendance at the hearing is waived.

9 5. Letters of Temporary Conservatorship of the Person issued to James P. Spears on
10 February 1, 2008 are extended to February 14, 2008.

11 6. The Temporary Conservator of the Person is granted the following powers in
12 addition to the powers provided by law:

13 a. The Temporary Conservator shall have the power to restrict and limit visitors
14 by any means, provided that the Temporary Conservator shall not prevent the
15 Conservatee from meeting with her court-appointed attorney, Mr. Ingham,
16 except to approve the location for any meetings or visits in advance of any such
17 meetings or visits, and to arrange for appropriate security, in order to protect the
18 Conservatee. Any and all meetings between the Conservatee and any attorneys
19 who are not Mr. Ingham are subject to the Temporary Conservator's approval,
20 including the location for the meeting. The Temporary Conservator shall also
21 have the power to be present with his attorneys at any such meetings and to
22 ensure that there is adequate security.

23 b. The Temporary Conservator shall have the power to retain caretakers for the
24 Conservatee on a 24 hour/7 day basis. The power to retain security guards for
25 the Conservatee on a 24 hour/7 day basis.

26 c. The Temporary Conservator shall have the power to prosecute civil harassment
27 restraining orders that the Temporary Conservator deems appropriate.

28 d. The Temporary Conservator shall have access to any and all medical records

02/27/09

and to communications with treating and other expert medical personnel.

7. Service on Ms. Spears of pleadings that are to be or are sealed shall be served on PVP counsel Mr. Ingham. Mr. Ingham shall review and discuss such pleadings with the Conservatee; however, Mr. Ingham shall retain any and all copies of such pleadings and shall not leave them with the Conservatee, except that Mr. Ingham may leave a copy of the Order appointing him as the Conservatee's court-appointed counsel with the Conservatee.

8. The Conservatee shall not have any contact, direct or indirect, with Osama aka Sam Lutfi, including telephone calls, text messaging, or email communications.

9. The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or until February 14, 2008 at 1:30 p.m. or further order of the Court.

10. The next hearing in this matter is set for February 14, 2008 at 1:30 p.m.

APPROVED AS TO FORM AND CONTENT:

Dated: 2-6-08

By: Samuel D. Ingham III
Samuel D. Ingham III, PVP Counsel for
Temporary Conservatee Britney Jean Spears

Dated: _____

By: _____
Andrew M. Wallet, Co-Conservator of the
Estate of Britney Jean Spears

IT IS SO ORDERED.

Dated: 2/6/08

Reva Goetz
Hon. Reva Goetz, Judge Pro Tem
Superior Court, State of California

000235

02/27/09

1 Geraldine A. Wyle, State Bar No. 089735
Jeryll S. Cohen, State Bar No. 125392
2 Jeffrey D. Wexler, State Bar No. 132256
Vivian L. Thoreen, State Bar No. 224162
3 **LUCE, FORWARD, HAMILTON & SCRIPPS LLP**
601 South Figueroa Street, Suite 3900
4 Los Angeles, California 90017
Telephone No.: 213.892.4992.
5 Fax No.: 213.892.7731

6 Attorneys for James P. Spears,
Temporary Conservator of the Person and
7 Temporary Co-Conservator of the Estate

FILED
LOS ANGELES SUPERIOR COURT

FEB 06 2008

JOHN A. CLARKE, CLERK
John A. Clarke
BY S.L. WILLIAMS, DEPUTY

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 In re the Conservatorship of the Estate of

Case No. BP 108870

12
13 BRITNEY JEAN SPEARS,

**ORDER EXTENDING TEMPORARY
LETTERS OF CONSERVATORSHIP OF
THE ESTATE**

14
15 Proposed Conservatee.

16 Date: February 4, 2008
17 Time: 1:30 p.m.
18 Dept.: 9
19 Judge: Hon. Reva Goetz, Judge Pro Tem

20
21 The further hearing on the Petition for Appointment of Temporary Conservator of the
22 Estate of Britney Jean Spears ("Ms. Spears"), filed by James P. Spears, came on regularly for
23 hearing on February 4, 2008 at 1:30 p.m. in Department 9 of the Los Angeles Superior Court,
24 Central District, the Honorable Reva Goetz, Judge Pro Tem presiding. Jeryll S. Cohen, Vivian L.
25 Thoreen, and Jeffrey D. Wexler of Luce, Forward, Hamilton & Scripps LLP appeared on behalf of
26 Petitioner James P. Spears ("Mr. Spears"), Temporary Conservator of the Person and Co-
27 Conservator of the Estate of Ms. Spears. Samuel D. Ingham III appeared as the court-appointed
28 PVP counsel on behalf of Ms. Spears. Andrew M. Wallet of Hinojosa & Wallet appeared on

000236

ORDER EXTENDING TEMPORARY LETTERS OF CONSERVATORSHIP OF THE ESTATE

02/27/08

1 behalf of Andrew M. Wallet as Co-Conservator of the Estate of Ms. Spears. Adam F. Streisand of
2 Loeb & Loeb LLP appeared purportedly on behalf of Ms. Spears. From proof made to the
3 satisfaction of the court,
4

5 THE COURT FINDS AS FOLLOWS:

6 1. Notice of time and place of hearing has been given as required by law or dispensed
7 with.

8 2. On February 1, 2008, the Court appointed Mr. Spears and Mr. Wallet as Temporary
9 Co-Conservators of Ms. Spears' Estate, and Letters of Temporary Conservatorship of the Estate
10 were issued to Mr. Spears and Mr. Wallet on the same day.

11 3. On February 1, 2008, the Court appointed PVP counsel Samuel D. Ingham III as
12 the Conservatee's court-appointed attorney.

13 4. It is in the best interest of the Conservatee that the Temporary Conservatorship be
14 continued over the Conservatee's Estate.

15 5. Mr. Wallet is a suitable and qualified person and is authorized to continue as the
16 ^{Temporary} Co-Conservator of Ms. Spears' Estate.

17 6. Mr. Spears is a suitable and qualified person and is authorized to continue as the
18 ^{Temporary} Co-Conservator of Ms. Spears' Estate.

19 7. It is necessary and appropriate that the Letters of Temporary Conservatorship of the
20 Estate issued to Mr. Spears and Mr. Wallet on February 1, 2008 be extended to February 14, 2008
21 for further hearing.

22 8. As a result of the pleadings that have been filed, the declaration by J. Edward Spar,
23 M.D., and the Report of PVP counsel Mr. Ingham, the court finds that Ms. Spears does not have
24 the capacity to retain counsel and she lacked the capacity to retain Adam F. Streisand as her
25 counsel.

26 9. Ms. Spears has a right to be present at this hearing, and she is not present.
27 According to Dr. Spar's declaration, Ms. Spears does not have the ability to attend the hearing.
28 Mr. Ingham indicated in his Report that Ms. Spears was given an opportunity through him to

1 communicate to the Court, and she has elected not to. On the basis of Dr. Spar's declaration and
2 Mr. Ingham's Report, the Court should waive Ms. Spears' presence at the hearing.

3 10. Mr. Ingham met with Ms. Spears on February 3, 2008.

4 11. Bond was fixed at \$100,000.00 (\$50,000.00 for each Co-Conservator), to be
5 furnished by an authorized surety company or as otherwise provided by law.
6

7 THE COURT ORDERS AS FOLLOWS:

8 1. Notice of time and place of hearing has been given as required by law or dispensed
9 with.

10 2. Ms. Spears does not have the capacity to retain counsel.

11 3. Ms. Spears lacked the capacity to retain Adam F. Streisand as her counsel.

12 4. Ms. Spears' attendance at the hearing is waived.

13 5. Letters of Temporary Conservatorship of the Estate issued to James P. Spears and
14 Andrew M. Wallet on February 1, 2008 are extended to February 14, 2008.

15 6. The Temporary Conservators of the Estate are granted the following powers in
16 addition to the powers provided by law:

17 a. The Temporary Conservators shall have the power to obtain all documents and
18 records relating to the Conservatee and her assets, whether held in her name or
19 in the name of another, including but not limited to, all records currently in the
20 possession and control of the Conservatee's business manager, Howard
21 Grossman, her attorneys, and others, all contracts, information relating to credit
22 cards, bank statements, estate planning documents, receivables, and any and all
23 powers of attorney.

24 b. The Temporary Conservators shall have the power to take all actions necessary
25 to secure the Conservatee's assets, including the power to enter and take
26 possession and control of the Conservatee's residence, to remove all persons
27 from the residence and take any and all actions necessary to secure the
28 residence, including changing the locks, call on law enforcement and employ

000238

- 1 security guards at the expense of the Conservatorship Estate.
- 2 c. The Temporary Conservators shall have the power to take all actions necessary
- 3 to secure the Conservatee's liquid assets, including but not limited to, the power
- 4 to cancel all credit cards.
- 5 d. The Temporary Conservators shall have the power to revoke all powers of
- 6 attorneys, including powers of attorney for making health care decisions and
- 7 managing real estate, and to terminate any and all agencies.
- 8 e. The Temporary Conservators shall have the power to commence and maintain
- 9 litigation and participate in any litigation with respect to which the Conservatee
- 10 is a party or has an interest, and the power to retain counsel and experts, and to
- 11 pay same from the Conservatorship Estate, not only as to the family law case
- 12 but for any other matter.

13 7. The Court grants the Temporary Conservators the powers pursuant to Probate Code

14 Section 2590 and the following powers set forth in Probate Code Section 2591:

- 15 a. To contract for the conservatorship and perform outstanding contracts and
- 16 thereby bind the estate, including asserting or waiving confidentiality
- 17 agreements.
- 18 b. To operate at the risk of the estate a business constituting an asset of the estate.
- 19 c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or
- 20 demands upon the Conservatorship Estate.
- 21 d. To employ attorneys, accountants, investment counsel, agents, depositaries, and
- 22 employees and to pay the expenses.

23 8. The Temporary Conservators have the power to prosecute civil harassment

24 restraining orders that they deem to be appropriate.

25 9. Service on Ms. Spears of pleadings that are to be or are sealed shall be served on

26 PVP counsel Mr. Ingham. Mr. Ingham shall review and discuss such pleadings with the

27 Conservatee; however, Mr. Ingham shall retain any and all copies of such pleadings and shall not

28 leave them with the Conservatee, except that Mr. Ingham may leave a copy of the Order

1 appointing him as the Conservatee's court-appointed counsel with the Conservatee.

2 10. The Conservatee shall not have any contact, direct or indirect, with Osama aka Sam
3 Lutfi, including telephone calls, text messaging, or email communications.

4 11. The Conservatee is to remain in California pending the hearing on the Petition for
5 Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or
6 until February 14, 2008 at 1:30 p.m. or further order of the Court.

7 12. The bond fixed by the Court's prior Order in the amount of \$50,000.00 for each
8 Co-Conservator is sufficient.

9 13. The next hearing in this matter is set for February 14, 2008 at 1:30 p.m.

10
11 APPROVED AS TO FORM AND CONTENT:

12
13 Dated: 2-6-08

14 By: Samuel D. Ingham III
15 Samuel D. Ingham III, PYP Counsel for
16 Temporary Conservatee Britney Jean Spears

17 Dated: _____

18 By: _____
19 Andrew M. Wallet, Co-Conservator of the
20 Estate of Britney Jean Spears

21 IT IS SO ORDERED.

22 Dated: 2/6/08

23 Reva Goetz
24 Hon. Reva Goetz, Judge Pro Tem
25 Superior Court, State of California

26 201013893.1

27
28 000240

02/27/09



CH-120**Notice of Hearing and
Temporary Restraining Order**

- ① Name of person asking for protection:
Britney Jean Spears (temporary conserv. James P. Spears)

Address (skip this if you have a lawyer): (If you want your address
to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and
State Bar number): Geraldine A. Wyle (#89735)

Luce, Forward, Hamilton & Scripps LLP

601 S. Figueroa St., 39th Floor

Los Angeles, CA 90017

- ② Name of person to be restrained:
Osama ("Sam") Lutfi

Description of that person:

Sex: ☒ M ☐ F Height: 5' 7" Weight: 170 pounds Race: Middle Eastern

Hair Color: Black Eye Color: Brown Age: 33 Date of Birth: 8/16/1974

Home Address (if known): 12629 Caswell Ave., Apt. P2

City: Los Angeles State: CA Zip: 90066

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

- ③ **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date: FEB 22 2008 Time: 1:30 Name and address of court if different from above: Same as above
Dept.: 9 Rm.: 244

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

- ④ **Court Orders**

The court (check a or b):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.
b. ☒ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

EXD

Clerk stamps date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

FEB 01 2008

JOHN A. CLARKE, CLERK

BY G. Perez DEPUTY

Fill in court name and street address:

**Superior Court of California, County of
Los Angeles**

Stanley Mosk Courthouse

111 N. Hill St.

Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number:

BP108870

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

Case Number: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Osama ("Sam") Lutfi

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ **Personal Conduct Orders**

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☒ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ **Stay-Away Order**

You must stay at least (specify): 250 yards away from:

- | | |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| a. <input checked="" type="checkbox"/> The person listed in ① | e. <input checked="" type="checkbox"/> Vehicle of person in ① <input type="checkbox"/> Vehicles of persons in ⑩ |
| b. <input type="checkbox"/> The people listed in ⑩ | f. <input checked="" type="checkbox"/> The protected children's school or child care |
| c. <input checked="" type="checkbox"/> The home of the persons in ① and ⑩ | g. <input checked="" type="checkbox"/> Other (specify): <u>UCLA Medical Center, parents'</u> |
| d. <input checked="" type="checkbox"/> Jobs or workplaces of the persons in ① and ⑩ | <u>homes, siblings' homes, childrens' homes,</u> |
| | <u>Britney's homes</u> |

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ ☐ **Other Orders (specify):** _____

This is a Court Order.

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

Case Number: _____

10 ☐ **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): Britney Jean Spears (temp. cons. James Spears)

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

Los Angeles Police Department

150 N. Los Angeles St., L.A., CA 90012

Beverly Hills Police Department

464 N. Rexford Drive, Beverly Hills, CA 90210

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. ☒ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. ☒ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. ☒ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. ☒ CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☒ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. ☐ Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. ☒ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 ☐ **No Fee for Filing**

Filing fees are waived.

This is a Court Order.

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

Case Number: _____

15 ☐ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. ☐ The Order is based on stalking.
- b. ☐ The Order is based on a credible threat of violence.
- c. ☐ The person in ① is entitled to a fee waiver.

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ① above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

1 Geraldine A. Wyle, State Bar No. 089735
Jeryll S. Cohen, State Bar No. 125392
2 Jeffrey D. Wexler, State Bar No. 132256
Vivian L. Thoreen, State Bar No. 224162
3 LUCE, FORWARD, HAMILTON & SCRIPPS LLP
601 South Figueroa Street, Suite 3900
4 Los Angeles, California 90017
Telephone No.: 213.892.4992
5 Fax No.: 213.892.7731

6 Attorneys for James P. Spears,
Temporary Conservator of the Person and
7 Temporary Co-Conservator of the Estate

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 In re the Conservatorship of the Person of
12

13 BRITNEY JEAN SPEARS,
14

15 Proposed Conservatee.
16
17
18
19
20

Case No. BP 108870

ORDER EXTENDING TEMPORARY
LETTERS OF CONSERVATORSHIP OF
THE PERSON

Date: February 14, 2008
Time: 1:30 p.m.
Dept.: 9
Judge: Hon. Reva Goetz, Judge Pro Tem

21 The further hearing on the Petition for Appointment of Temporary Conservator of the
22 Person of Britney Jean Spears ("Ms. Spears"), filed by James P. Spears, came on regularly for
23 hearing on February 14, 2008 at 1:30 p.m. in Department 9 of the Los Angeles Superior Court,
24 Central District, the Honorable Reva Goetz, Judge Pro Tem presiding. Geraldine A. Wyle and
25 Jeryll S. Cohen of Luce, Forward, Hamilton & Scripps LLP appeared on behalf of Petitioner
26 James P. Spears ("Mr. Spears"), Temporary Conservator of the Person and Co-Conservator of the
27 Estate of Ms. Spears. Mr. Spears appeared personally. Samuel D. Ingham III appeared as the
28 court-appointed PVP counsel on behalf of Ms. Spears. Andrew M. Wallet of Hinojosa & Wallet

FILED
LOS ANGELES SUPERIOR COURT

FEB 14 2008

JOHN A. CLARKE, CLERK

Amurdock
BY ANDREA MURDOCK, DEPUTY

000253

02/27/09

EXE

1 appeared on behalf of Andrew M. Wallet as Co-Conservator of the Estate of Ms. Spears. Mitchell
2 L. Gaswirth of Proskauer Rose LLP appeared on behalf of Ivan Taback. Clark R. Byam of Hahn
3 & Hahn LLP appeared on behalf of Bryan Spears. From proof made to the satisfaction of the
4 court,

5
6 THE COURT FINDS AS FOLLOWS:

7 1. Notice of time and place of hearing has been given as required by law or dispensed
8 with.

9 2. It is in the best interest of the Conservatee that the Temporary Conservatorship be
10 continued over the Conservatee's Person.

11 3. It is necessary and appropriate that the Letters of Temporary Conservatorship of the
12 Person issued to Mr. Spears on February 1, 2008 be extended to March 10, 2008 for
13 further hearing.

14
15 THE COURT ORDERS AS FOLLOWS:

16 1. Notice of time and place of hearing has been given as required by law or dispensed
17 with.

18 2. Ms. Spears' attendance at the hearing is waived.

19 3. Letters of Temporary Conservatorship of the Person issued to James P. Spears on
20 February 1, 2008 are extended to March 10, 2008.

21 4. The Temporary Conservator of the Person is granted the following powers in
22 addition to the powers provided by law:

- 23 a. The Temporary Conservator shall have the power to restrict and limit visitors
24 by any means, provided that the Temporary Conservator shall not prevent the
25 Conservatee from meeting with her court-appointed attorney, Mr. Ingham,
26 except to approve the location for any meetings or visits in advance of any such
27 meetings or visits, and to arrange for appropriate security, in order to protect the
28 Conservatee. Any and all meetings between the Conservatee and any attorneys


- 1 who are not Mr. Ingham are subject to the Temporary Conservator's approval,
2 including the location for the meeting. The Temporary Conservator shall also
3 have the power to be present with his attorneys at any such meetings and to
4 ensure that there is adequate security.
- 5 b. The Temporary Conservator shall have the power to retain caretakers for the
6 Conservatee on a 24 hour/7 day basis. The power to retain security guards for
7 the Conservatee on a 24 hour/7 day basis.
- 8 c. The Temporary Conservator shall have the power to prosecute civil harassment
9 restraining orders that the Temporary Conservator deems appropriate.
- 10 d. The Temporary Conservator shall have access to any and all medical records
11 and to communications with treating and other expert medical personnel.
- 12 5. The Conservatee shall not have any contact, direct or indirect, with Osama aka Sam
13 Lutfi, including telephone calls, text messaging, or email communications.
- 14 6. The Conservatee is to remain in California pending the hearing on the Petition for
15 Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or
16 until March 10, 2008 at 1:30 ~~am~~ pm or further order of the Court.

17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

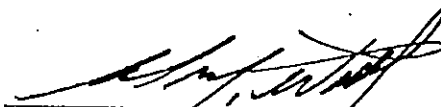
1 7. The next hearing in this matter is set for MARCH 10, 2008 at 1:30
2 a.m./p.m.

4 APPROVED AS TO FORM AND CONTENT:

6 Dated: 2-14-08

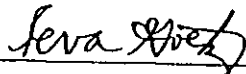
By: 
Samuel D. Ingham III, PVP Counsel for
Temporary Conservatee Britney Jean Spears

10 Dated: 2-14-08

By: 
Andrew M. Waller, Temporary Co-
Conservator of the Estate of Britney Jean
Spears

14 IT IS SO ORDERED.

16 Dated: 2/14/08


Hon. Reva Goetz, Judge Pro Tem
Superior Court, State of California

19 201014200.1

THE DOCUMENT TO WHICH THIS CERTIFICATE IS
ATTACHED IS A FULL, TRUE, AND CORRECT COPY
OF THE ORIGINAL ON FILE AND OF RECORD IN
MY OFFICE.

ATTEST FEB 14 2008

JOHN A. CLARKE, CLERK/EXECUTIVE OFFICER

Executive Officer/Clerk of the Superior
Court of California, County of Los Angeles
By John A. Clarke, Deputy

000257

02/27/09

1 Geraldine A. Wyle, State Bar No. 089735
Jeryll S. Cohen, State Bar No. 125392
2 Jeffrey D. Wexler, State Bar No. 132256
Vivian L. Thoreen, State Bar No. 224162
3 LUCE, FORWARD, HAMILTON & SCRIPPS LLP
601 South Figueroa Street, Suite 3900
4 Los Angeles, California 90017
Telephone No.: 213.892.4992
5 Fax No.: 213.892.7731

6 Attorneys for James P. Spears,
Temporary Conservator of the Person and
7 Temporary Co-Conservator of the Estate

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 In re the Conservatorship of the Estate of

12
13 BRITNEY JEAN SPEARS,

14 Proposed Conservatee.
15
16
17
18
19
20

Case No. BP 108870

ORDER EXTENDING TEMPORARY
LETTERS OF CONSERVATORSHIP OF
THE ESTATE

Date: February 14, 2008
Time: 1:30 p.m.
Dept.: 9
Judge: Hon. Reva Goetz, Judge Pro Tem

21 The further hearing on the Petition for Appointment of Temporary Conservator of the
22 Estate of Britney Jean Spears ("Ms. Spears"), filed by James P. Spears, came on regularly for
23 hearing on February 14, 2008 at 1:30 p.m. in Department 9 of the Los Angeles Superior Court,
24 Central District, the Honorable Reva Goetz, Judge Pro Tem presiding. Geraldine A. Wyle and
25 Jeryll S. Cohen of Luce, Forward, Hamilton & Scripps LLP appeared on behalf of Petitioner
26 James P. Spears ("Mr. Spears"), Temporary Conservator of the Person and Co-Conservator of the
27 Estate of Ms. Spears. Mr. Spears appeared personally. Samuel D. Ingham III appeared as the
28 court-appointed PVP counsel on behalf of Ms. Spears. Andrew M. Wallet of Hinojosa & Wallet

FILED
LOS ANGELES SUPERIOR COURT

FEB 14 2008
JOHNA CLARKE, CLERK
Amundock
BY ANDREA MURDOCK, DEPUTY

000258

ORDER EXTENDING TEMPORARY LETTERS OF CONSERVATORSHIP OF THE ESTATE

02/27/08

1 appeared on behalf of Andrew M. Wallet as Co-Conservator of the Estate of Ms. Spears. Mitchell
2 L. Gaswirth of Proskauer Rose LLP appeared on behalf of Ivan Taback. Clark R. Byam of Hahn
3 & Hahn LLP appeared on behalf of Bryan Spears. From proof made to the satisfaction of the
4 court,

5
6 THE COURT FINDS AS FOLLOWS:

- 7 1. Notice of time and place of hearing has been given as required by law or dispensed
8 with.
9 2. It is in the best interest of the Conservatee that the Temporary Conservatorship be
10 continued over the Conservatee's Estate.
11 3. It is necessary and appropriate that the Letters of Temporary Conservatorship of the
12 Estate issued to Mr. Spears and Mr. Wallet on February 1, 2008 be extended to
13 March 10, 2008 for further hearing.
14 4. The bond fixed by the Court's prior Order in the amount of \$50,000.00 for each
15 Co-Conservator is sufficient.

16
17 THE COURT ORDERS AS FOLLOWS:

- 18 1. Notice of time and place of hearing has been given as required by law or dispensed
19 with.
20 2. Ms. Spears' attendance at the hearing is waived.
21 3. Letters of Temporary Conservatorship of the Estate issued to James P. Spears and
22 Andrew M. Wallet on February 1, 2008 are extended to March 10, 2008.
23 4. The Temporary Conservators of the Estate are granted the following powers in
24 addition to the powers provided by law:
25 a. The Temporary Conservators shall have the power to obtain all documents and
26 records relating to the Conservatee and her assets, whether held in her name or
27 in the name of another, including but not limited to, all records currently in the
28 possession and control of the Conservatee's business manager, Howard
Grossman, her attorneys, and others, all contracts, information relating to credit
cards, bank statements, estate planning documents, receivables, and any and all

000259

02/27/09

1 powers of attorney.

2 b. The Temporary Conservators shall have the power to take all actions necessary
3 to secure the Conservatee's assets, including the power to enter and take
4 possession and control of the Conservatee's residence; to remove all persons
5 from the residence and take any and all actions necessary to secure the
6 residence, including changing the locks, call on law enforcement and employ
7 security guards at the expense of the Conservatorship Estate.

8 c. The Temporary Conservators shall have the power to take all actions necessary
9 to secure the Conservatee's liquid assets, including but not limited to, the power
10 to cancel all credit cards.

11 d. The Temporary Conservators shall have the power to revoke all powers of
12 attorneys, including powers of attorney for making health care decisions and
13 managing real estate, and to terminate any and all agencies.

14 e. The Temporary Conservators shall have the power to commence and maintain
15 litigation and participate in any litigation with respect to which the Conservatee
16 is a party or has an interest, and the power to retain counsel and experts, and to
17 pay same from the Conservatorship Estate, not only as to the family law case
18 but for any other matter.

19 f. The Temporary Conservators have the power to perform any and all acts that
20 the Conservatee can perform (whether as an individual or in a representative
21 capacity) with respect to the local, state, or federal tax liabilities of the
22 Conservatee or any entity, trust or foundation in which the Conservatee acts in
23 a representative or ownership capacity (collectively referred to as "Conservatee
24 and related entities"), including but not limited to the power to receive and
25 inspect confidential tax information; receive, and endorse or cash refund
26 checks; sign any and all tax returns, whether income, corporate, employment,
27 partnership, or otherwise; execute a Form 2848; represent the Conservatee and
28 related entities before all taxing authorities, participate in audits; exercise the
rights of the Conservatee and related entities to protest and appeal assessments;
pay amounts due to the appropriate taxing authority; execute waivers, tax
returns, consents, closing agreements, and similar documents related to the tax
liability of the Conservatee and related entities; participate in all procedural
matters connected with the tax liability of the Conservatee and related entities;
exercise any elections that may be available to the Conservatee and related
entities under applicable state or federal tax laws or regulations; to substitute
another representative; to request disclosure of tax returns or return information
to a third party; and to perform any other acts described in California Probate
Code section 4463, except those acts that conflict with or are limited by a more
specific provision in this Power.

g. The Temporary Conservators have the power to assert the Conservatee's rights
in any trust established for her benefit, including but not limited to all revocable
inter vivos trusts established by the Conservatee as settlor or trustor, but this
power shall not include the power to modify, amend, or revoke any such trusts,

without a court order.

5. The Court grants the Temporary Conservators the powers pursuant to Probate Code Section 2590 and the following powers set forth in Probate Code Section 2591:

- a. To contract for the conservatorship and perform outstanding contracts and thereby bind the estate, including asserting or waiving confidentiality agreements.
- b. To operate at the risk of the estate a business constituting an asset of the estate.
- c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the Conservatorship Estate.
- d. To employ attorneys, accountants, investment counsel, agents, depositaries, and employees and to pay the expenses.

6. The Temporary Conservators have the power to prosecute civil harassment restraining orders that they deem to be appropriate.

7. The Temporary Conservators are authorized and directed to pay, or to direct the Co-Trustees of the SJB Revocable Trust, to pay, to Stephen S. Marmer, M.D., Ph.D., the court-appointed expert under California Evidence Code section 730, a retainer in the amount of \$5,000.00.

8. The Conservatee shall not have any contact, direct or indirect, with Osama aka Sam Lutfi, including telephone calls, text messaging, or email communications.

9. The Conservatee is to remain in California pending the hearing on the Petition for Appointment of Permanent Conservator, the written consent of the Conservator of the Person, or until March 10, 2008 at 1:30 ~~a.m.~~ p.m. or further order of the Court.

10. The bond fixed by the Court's prior Order in the amount of \$50,000.00 for each Co-Conservator is sufficient.

///

///

///

///

///

000261

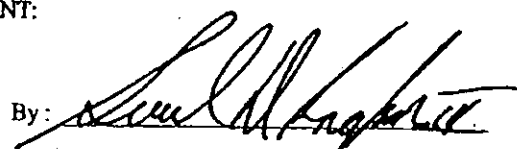
02/27/09

1 11. The next hearing in this matter is set for March 10, 2008 at 1:30

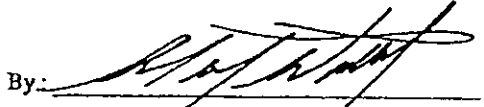
2 a.m./p.m.

4 APPROVED AS TO FORM AND CONTENT:

6 Dated: 2-14-08

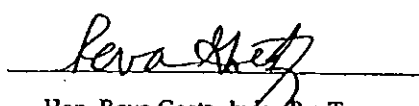
By: 
Samuel D. Ingham III, PWP Counsel for
Temporary Conservator Britney Jean Spears

10 Dated: 2-14-08

By: 
Andrew M. Wallet, Temporary Co-
Conservator of the Estate of Britney Jean
Spears

13 IT IS SO ORDERED.

15 Dated: 2/14/08


Hon. Reva Goetz, Judge Pro Tem
Superior Court, State of California

19 201014170.1

000262

02/27/09



02/27/09

THE DOCUMENT TO WHICH THIS CERTIFICATE IS
ATTACHED IS A FULL, TRUE, AND CORRECT COPY
OF THE ORIGINAL ON FILE AND OF RECORD IN
MY OFFICE.

ATTEST FEB 14 2008

JOHN A. CLARKE, CLERK/EXECUTIVE OFFICER

Executive Officer/Clerk of the Superior
Court of California, County of Los Angeles
By John A. Clarke, Deputy

000263

LUCE FORWARD
ATTORNEYS AT LAW - FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

GERALDINE A. WYLLIE, PARTNER
DIRECT DIAL NUMBER 213.892.4938
DIRECT FAX NUMBER 213.452.8043
EMAIL ADDRESS gwylle@luce.com

601 South Figueroa
Suite 3900
Los Angeles, CA 90017
213.892.4992
213.892.7731 fax
www.luce.com

July 30, 2008

VIA FACSIMILE AND U.S. MAIL

Osama Lutfi
c/o Stephen R. Landau
9150 Wilshire Blvd., Ste. 209
Beverly Hills, California 90212

Re: Temporary Restraining Order Against Osama (Sam) Lutfi

Dear Mr. Lutfi:

This letter sets forth the agreement reached between James P. Spears ("Mr. Spears"), temporary conservator of the person and temporary conservator of the estate for his daughter, Britney Jean Spears ("Britney"), and Osama ("Sam") Lutfi, on the other hand, with regard to the Temporary Restraining Order (the "TRO") filed by the Probate Department of the Los Angeles Superior Court (the "Probate Court") against Mr. Lutfi on February 1, 2008, and extended by stipulation until 1:30 p.m. on July 31, 2008. In consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, Mr. Spears and Sam hereto agree as follows:

1. Mr. Spears agrees to refrain from pursuit of the existing TRO, and further agrees to take the TRO off calendar.
2. Mr. Lutfi agrees that he will not, in the future, directly contact Britney, purport to take action on Britney's behalf, induce or assist any other person to take or to purport to take action on Britney's behalf, or harass or annoy Britney. Mr. Lutfi further agrees that he will not, in the future, directly or indirectly contact, or harass or annoy Mr. Spears or Lynne Spears.
3. This letter agreement does not affect Mr. Spears' ability to seek a TRO based upon any event occurring on or after July 31, 2008.
4. Nothing herein is intended to be an acknowledgment by Mr. Lutfi that he has committed any of the acts alleged in this matter.
5. This letter agreement and the terms thereof shall be kept strictly confidential. Neither Mr. Spears nor Mr. Lutfi shall directly or indirectly cause to have statements published

Received:

Jul 30 2008 10:11 AM

LUCE FORWARDATTORNEYS AT LAW • FINANCIAL ADVISORS
Law, Finance, Insurance & Securities

Osama Luft

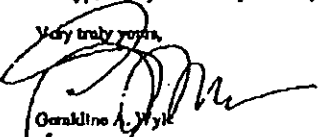
July 30, 2008

Page 2

in any way or in any medium other than that Mr. Luft and Mr. Spears have reached a private agreement and that no hearing or order is necessary at this time.

We appreciate your courtesy and cooperation in this matter.

Very truly yours,


Geraldine A. Wyke
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

GAW/llm

Accepted by:


Osama Luft



ORIGINAL

CH-100

Request for Orders to
Stop Harassment

- ① Your name (person asking for protection):
Britney Jean Spears (see attachment 1 re conservators)

Your address (skip this if you have a lawyer): (If you want your
address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____)

Your lawyer (if you have one): (Name, address, telephone
number, and State Bar number):

See attachment 1

- ② Name of person you want protection from:
See attachment 2

Describe the person: Sex: ☐ M ☐ F Weight: _____

Height: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if you know): _____

City: _____ State: _____ Zip: _____

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

- ③ Besides you, who needs protection? (Family or household members)

Full Name	Sex	Age	Lives with you?	How are they related to you?
James P. Spears	M	56	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Father
Lynne Spears	F	53	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Mother
Sean Preston Federline	M	3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Son
Jayden James Federline	M	2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Son

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected
Persons" at the top of the page.

- ④ Why are you filing in this court? (Check all that apply):
- ☒ The person in ② lives in this county.
- ☒ I was hurt (physically or emotionally) by the person in ② here.
- ☐ Other (specify): _____

- ⑤ How do you know the person in ②? (Describe):
See attachment 5

Clerk stamps dates here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

JAN 30 2009

JOHN A. CLARKE, CLERK

BY SALVADOR JIMENEZ, DEPUTY

Fill in court name and street address:

Superior Court of California, County of
Los Angeles

Stanley Mosk Courthouse

111 N. Hill St.

Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number:

BP108870

This is not a Court Order.

EXG

Case Number:

BP108870

Your name: Britney Jean Spears (see attachment 1 re conservators)

6 Describe how the person in 2 has harassed you:

a. Date of most recent harassment: 1/27/2009

b. Who was there? See attachment 6.

c. Did the person in 2 commit any acts of violence or threaten to commit any acts of violence against you?

☐ Yes ☒ No

If yes, describe those acts or threats: _____

d. Did the person in 2 engage in a course of conduct that harassed you and caused substantial emotional distress? ☒ Yes ☐ No

If yes, describe: See Attachment 6

e. Did the conduct of the person in 2 described above seriously alarm, annoy, or harass you? ☒ Yes ☐ No

☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want ☒

7 ☒ Personal Conduct Orders

I ask the court to order the person in 2 to not do the following things to me or anyone listed in 3:

a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.

b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in 2 will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

8 ☒ Stay-Away Orders

I ask the court to order the person in 2 to stay at least (specify): 250 yards away from me and the people listed in 3 and the places listed below: (Check all that apply):

a. ☒ My home

d. ☒ My vehicle

b. ☒ My job or workplace

e. ☒ Other (specify): Parents' homes, children's homes,

c. ☒ My children's school or child care

siblings' homes

If the court orders the person in 2 to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? ☒ Yes ☐ No

If no, explain: _____

This is not a Court Order.

Case Number:

BP108870

Your name: Britney Jean Spears (see attachment 1 re conservators)

9 ☒ **Others to Be Protected**

Should the other people listed in **3** also be covered by the orders described above?

☒ Yes ☐ No ☐ Does not apply

If yes, explain: See attachment 9

10 **Order About Guns or Other Firearms**

I ask the court to order the person in **2** to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

11 ☒ **Other Orders**

I ask the court to order the person in **2** to (specify): See attachment 11

12 ☒ **Temporary Orders**

Do you want the court to make orders now on the matters listed in **7**, through **11** that will last until the hearing? ☒ Yes ☐ No

If yes, explain why you need these orders right now: See attachment 12

☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: Los Angeles Police Department

Address: 150 N. Los Angeles St.

City: Los Angeles

State: CA Zip: 90012

b. Name of Agency: Beverly Hills Police Department

Address: 464 N. Rexford Drive

City: Beverly Hills

State: CA Zip: 90210

14 ☒ **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in **2**? ☒ Yes ☐ No

If yes, specify the counties and case numbers if you know them: On February 1, 2008, Mr. Spears as conservator obtained a TRO against Mr. Lutfi in the instant case.

This is not a Court Order.

Case Number:

BP108870

Your name: Britney Jean Spears (see attachment 1 re conservators)

(15) ☒ Time for Service

You must have your papers personally served on (notify) the person in (2) at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

Because Mr. Lutfi evaded service of the prior TRO for 20 days despite intensive efforts by process servers to locate him and serve him with process, it is possible that the Co-Conservators will need additional time to serve their papers.

(16) ☐ No Fee for Filing

I ask the court to waive the filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

(17) ☐ No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve (notify) the person in (2) about the orders for free because:

- a. ☐ My request for orders is based on stalking; or
 b. ☐ My request for orders is based on a credible threat of violence; or
 c. ☐ I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

(18) ☒ Lawyer's Fees and Costs

I ask the court to order payment of my:

- a. ☒ Lawyer's fees
 b. ☒ Out-of-pocket expenses

The amounts requested are:

Item	Amount	Item	Amount
Attorneys' fees	\$ TBD	TBD	\$ TBD
Filing costs	\$ TBD		\$
Process server fees	\$ TBD		\$

- ☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

(19) Additional Relief

I ask the court for additional relief as may be proper.

(20) Number of pages attached to this form, if any: 14

Date: January 29, 2009

Geraldine A. Wyle
 Lawyer's name

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 1/29/09

James P. Spears, Conservator
 Type or print your name

Sign your name

This is not a Court Order.

CH-100 - Item 1 - Name and Attorney Information

1. Britney Jean Spears ("Ms. Spears") seeks this relief through James P. Spears ("Mr. Spears") as conservator of the person and co-conservator of the estate of Britney Jean Spears and Andrew M. Wallet ("Mr. Wallet") as co-conservator of the estate of Britney Jean Spears (collectively, the "Co-Conservators").

Mr. Spears is represented by the following counsel:

Geraldine A. Wyle (SBN 89735)
Jeryll S. Cohen (SBN 125392)
Jeffrey D. Wexler (SBN 132256)
LUCE FORWARD HAMILTON & SCRIPPS LLP
601 South Figueroa, Suite 3900
Los Angeles, California 90017
Telephone: (213) 892-4992
Facsimile: (213) 892-7731

Mr. Wallet is represented by the following counsel:

Andrew M. Wallet (SBN 93043)
Rebekah E. Swan (SBN 186307)
HINOJOSA & WALLET
2215 Colby Avenue
Los Angeles, California 90064
Telephone: (310) 473-7000
Facsimile: (310) 473-1730

CH-100 - Item 2 - Name of Person You Want Protection From

2. The Co-Conservators, on behalf of Ms. Spears, want protection from the following persons:

- a. Osama ("Sam") Lutfi
Sex: M
Weight: 170 pounds
Height: 5' 7"
Race: Middle Eastern
Hair Color: Black
Eye Color: Brown
Age: 34
Date of Birth: 8/16/1974
Home Address: 12629 Caswell Ave., Apt. P2, Los Angeles, CA 90066
- b. Adnan Ghalib
Sex: M
Weight: 180 pounds
Height: 5' 10"
Race: Afghani
Hair Color: Black
Eye Color: Brown
Age: 36
Date of Birth: 9/14/1972
Home Address: 17550 Burbank, Apt. 8, Encino, CA 91403
- c. Jon Jay Eardley
Sex: M
Weight: Unknown
Height: Unknown
Race: Unknown
Hair Color: Unknown
Eye Color: Unknown
Age: 48
Date of Birth: 1/22/1961
Home Address: 16020 Puesta del Sol Dr., Whittier, CA 90603

1 CH-100 – Item 5 – How Do You Know the Person in 2?

2 Introductory Statement

3 In late 2007 and early 2008, Ms. Spears was extremely vulnerable and her mental and
4 physical health had taken a steep decline, resulting in two 5150 holds in January 2008 and this
5 Court's finding on February 1, 2008 that it was necessary that a temporary conservator be
6 appointed for the person and estate of Ms. Spears in order to protect her. At that time, there were
7 two individuals who were negatively impacting her health and well being – Osama ("Sam") Lutfi
8 and Adnan Ghalib. Additionally, late in January 2008, Jon Jay Eardley, an attorney licensed to
9 practice law in California, sent an unsolicited letter to Ms. Spears proposing a strategy to disrupt
10 the family law proceedings and stating that he was "confident" that such strategy "will turn
11 everything around, and ultimately garner you full custody of your children within approximately
12 30 to 60 days." (Emphasis added.) Thereafter, Mr. Eardley, working with Mr. Lutfi, sought to
13 disrupt the conservatorship proceedings by removing them to federal court – notwithstanding the
14 Court's prior appointment of Samuel D. Ingham III as Ms. Spears' PVP counsel and the Court's
15 prior finding that Ms. Spears lacked the capacity to engage counsel.

16 On the first anniversary of the establishment of the conservatorship, the Co-Conservators
17 are informed and believe that these three figures are now working in concert to disrupt the
18 conservatorship, with an utter disregard for Ms. Spears' health and well being and this Court's
19 findings and Orders. The Co-Conservators believe that issuance of a Civil Harassment Order is
20 necessary to protect Ms. Spears.

21 Knowledge of Individuals

22 a. Osama ("Sam") Lutfi. Ms. Spears met Mr. Lutfi in or about
23 October 2007. Thereafter, Mr. Lutfi essentially moved into Ms. Spears' home and
24 purported to take control of her life, home, and finances.¹ On February 1, 2008, the

25
26 ¹ Further information concerning the pre-February 1, 2008 relationship between Ms. Spears and
27 Mr. Lutfi is set forth in the Declaration of Lynne Spears as an attachment to the Requests for
28 Orders to Stop Harassment filed by Mr. Spears against Mr. Lutfi on February 1, 2008. This
declaration is relevant for purposes of context but, in light of the July 30, 2008 Letter Agreement
between Mr. Spears and Mr. Lutfi discussed below, the Co-Conservators do not seek relief based
upon such conduct.

1 same date that the conservatorship was established, the Co-Conservators obtained a
2 Temporary Restraining Order (the "TRO") that, *inter alia*, barred Mr. Lutfi from
3 harassing or contacting Ms. Spears. The TRO was extended on several occasions.

4 On March 12, 2008, Mr. Lutfi filed a Notice of Non-Stipulation to
5 Commissioner Reva Goetz.

6 On July 30, 2008, Mr. Spears and Mr. Lutfi entered into a Letter Agreement
7 with regard to the issues presented by the application for the TRO. See Letter
8 Agreement, Ex. A to Declaration of Geraldine A. Wyle ("Wyle Decl."). In that
9 agreement, Mr. Spears "agree[d] to refrain from further pursuit of the existing
10 TRO, and further agree[d] to take the TRO off calendar." *Id.*, ¶ 1. The parties
11 agreed that the Letter Agreement would "not affect Mr. Spears' ability to seek a
12 TRO based upon any event occurring on or after July 31, 2008." *Id.*, ¶ 3. The
13 Letter Agreement imposed the following restrictions on Mr. Lutfi:

14 Mr. Lutfi agrees that he will not, in the future, directly
15 contact Britney, purport to take action on Britney's behalf, induce or
16 assist any other person to take or to purport to take action on
17 Britney's behalf, or harass or annoy Britney. Mr. Lutfi further
18 agrees that he will not, in the future, directly or indirectly contact, or
19 harass or annoy Mr. Spears or Lynne Spears.

20 *Id.*, ¶ 2.

21 On July 31, 2008, counsel for Mr. Spears informed the Court that Mr. Lutfi
22 and Mr. Spears had entered a private agreement and that no hearing or order on a
23 permanent injunction was necessary at that time.

24 In its Order Extending Temporary Letters of Conservatorship of the Estate
25 filed on August 22, 2008, the Court ordered that, *inter alia*, Ms. Spears "shall not
26 have any contact, direct or indirect, with Osama aka Sam Lutfi, including telephone
27 calls, text messaging, or email communications." *Id.*, ¶ 10. This order is
28 incorporated by reference in the Order establishing a permanent conservatorship.

b. Adnan Ghalib. Mr. Ghalib is a member of the paparazzi who has
been following Ms. Spears since at least 2007 and has continued to follow her since

1 the initiation of the conservatorship. Mr. Ghalib continues to communicate with
2 Ms. Spears, and Co-Conservators are informed and believe that Ms. Spears
3 innocently informs Mr. Ghalib of her destinations and that he then arranges for
4 paparazzi to meet and film her to his financial benefit. After careful consideration,
5 Co-Conservators are informed and believe that contact with Mr. Ghalib is harmful
6 to Ms. Spears and to her recovery, as well as to the effective administration of the
7 conservatorship.

8 c. Jon Jay Eardley. To the Co-Conservators' knowledge, Mr.
9 Eardley, an attorney, has never met Ms. Spears in person. On or about January 28,
10 2008, Mr. Eardley sent an unsolicited letter to Ms. Spears by overnight mail in
11 which he offered to represent Ms. Spears with regard to her family court matter.
12 See Declaration of Jeffrey D. Wexler ("Wexler Decl."), Ex. A. As discussed in
13 more detail below: (1) on February 14, 2008, Mr. Eardley filed pleadings that
14 purported to remove the conservatorship proceedings to the United States District
15 Court for the Central District of California; and (2) on February 26, 2008, the
16 Central District remanded the matter to this Court.

17 ADDITIONAL BACKGROUND FACTS

18 Because of Mr. Lutfi's non-stipulation to Commissioner Goetz and the relevance of past
19 proceedings before Commissioner Goetz to issues raised by this request, the Co-Conservators
20 provide the following more detailed factual discussion concerning the underlying proceedings and,
21 in particular: (1) the efforts by Mr. Lutfi and Mr. Eardley in February 2008 to disrupt the
22 conservatorship; and (2) the Court's findings that Ms. Spears lacks the capacity to retain counsel.

23 A. The Initiation of the Conservatorship Proceedings.

24 At a hearing on February 1, 2008, the Court, Commissioner Reva Goetz presiding, found
25 that it was necessary that a temporary conservator be appointed for the person and estate of Ms.
26 Spears. The Court appointed: (1) Mr. Spears as temporary conservator of Ms. Spears' person and
27 as temporary co-conservator of Ms. Spears' estate; and (2) Mr. Wallet, an attorney, as temporary
28 co-conservator of Ms. Spears' estate. Letters of Temporary Conservatorship were issued that day.

1 By their terms, these Letters expired on February 4, 2008, the date for which the Court set a
2 follow-up hearing.

3 Later on February 1, 2008, the Court appointed Samuel D. Ingham III as Ms. Spears' PVP
4 counsel.

5 **B. The February 4, 2008 Hearing and the February 6, 2008 Orders.**

6 On February 4, 2008, the Court held another hearing to determine whether to extend the
7 Letters of Temporary Conservatorship. Mr. Ingham attended the hearing as Ms. Spears' Court-
8 appointed counsel.

9 Adam F. Streisand of Loeb & Loeb LLP appeared at the February 4, 2008 hearing
10 purportedly on behalf of Ms. Spears. The Court found, based upon the pleadings that had been
11 filed, a physician's declaration, and Mr. Ingham's report, that "Ms. Spears does not have the
12 capacity to retain counsel and she lacked the capacity to retain Adam F. Streisand as her counsel."
13 Similarly, the Court ordered that "Ms. Spears does not have the capacity to retain counsel." The
14 Court extended the Letters of Temporary Conservatorship from February 4, 2008 until February
15 14, 2008, for which date it scheduled another hearing.

16 In the February 6, 2008 Orders and in Letters of Temporary Conservatorship of the Person
17 and Letters of Temporary Conservatorship of the Estate filed on February 6, 2008, the Court
18 expanded certain powers given to the Co-Conservators:

19 The Temporary Conservator shall have the power to restrict and limit
20 visitors by any means, provided that the Temporary Conservator shall not prevent
21 Conservatee from meeting with her court-appointed attorney, Mr. Ingham, except
to approve the location for any meetings or visits, and to arrange for appropriate
security, in order to protect the Conservatee.

22 These provisions have been incorporated into the Orders and Letters as extended and the
23 order and letters relating to the appointment of the permanent conservators.

24 **C. The February 14, 2008 Hearing.**

25 On February 14, 2008, the date on which the letters of temporary conservatorship were to
26 expire pursuant to the February 6, 2008 Orders, the Court held a hearing to determine whether to
27 extend the Letters of Temporary Conservatorship. The Court ordered that the temporary Letters
28 be extended until March 10, 2008.

1 The Court completed the February 14, 2008 hearing at about 2:04 p.m. Immediately after
2 that hearing, the Court signed the Orders extending the Letters and issued new Letters of
3 Temporary Conservatorship of the Person and of the Estate.

4 **D. The Purported Removal and the Subsequent Remand.**

5 Also on February 14, 2008, Mr. Eardley, purporting to act as Ms. Spears' attorney, filed a
6 Notice of Removal with the United States District Court for the Central District of California,
7 purporting to remove the conservatorship proceedings from the Los Angeles Superior Court in
8 their entirety. At 2:26 p.m. on February 14, 2008 – about 20 minutes after the Court concluded its
9 hearing – Mr. Eardley caused a copy of the Notice of Removal to be filed with the Clerk's Office
10 of the Superior Court.²

11 According to media reports, the Notice of Removal was filed on Mr. Eardley's behalf by
12 Michael Sands, who handed out copies of it to the media at the Court. Mr. Sands had previously
13 been retained as a publicist by Mr. Lutfi.

14 On February 19, 2008, the Co-Conservators filed a motion in the District Court to remand
15 the case to Los Angeles Superior Court. On February 26, 2008, the Central District, the
16 Honorable Philip S. Gutierrez presiding, granted the motion to remand, holding that Mr. Eardley
17 lacked the power to remove the lawsuit from state court:

18 Here, Mr. Eardley had no authority to remove the case from state court. He
19 is neither a defendant nor a party. While he claims to be Ms. Spears' attorney, the
20 Probate Court appointed Mr. Ingham as her attorney and found that she was
21 incapable of retaining her own counsel. Mr. Eardley did not challenge the Probate
22 Court's appointment of Mr. Ingham and has not attempted to intervene in the
23 conservatorship proceeding on her behalf. Instead, Mr. Eardley caused the case to
24 be removed to federal court while clearly lacking the authority to do so.

25 February 26, 2008 Civil Minutes at 3 (Ex. C to Wexler Decl.).

26 ² The timing of the Notice of Removal supports an inference that it was filed for the purpose of
27 derailing the conservatorship proceedings and, in particular, in an attempt to divest the Court of
28 jurisdiction to extend the conservatorship past February 14, 2008, with the intended result of the
expiration of the conservatorship on that day. If Mr. Eardley had filed the Notice of Removal with
the Court a half hour earlier on February 14, 2008, the Court would have been unable to extend the
conservatorship, and Mr. Spears would not have had enough time to seek relief from the district
court to extend the conservatorship before it expired later that day.

1 **D. Subsequent Proceedings.**

2 Since the inception of the conservatorship, the Court has on numerous occasion received
3 expert reports of relevance to, *inter alia*, the issue of capacity, including without limitation, the
4 capacity to retain counsel. There have been no changes in the Court's orders. Most of the
5 evidence considered by the Court and the findings based thereon are under seal.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 CH-100 – Item 6 – Describe How the Person in 2 has Harassed You

2 On the evening of December 27, 2008 and the morning of December 28, 2008, Mr. Lutfi
3 attempted to contact Ms. Spears by sending text messages to Ms. Spears' hairdresser Roberta in
4 which he, *inter alia*, asked the hairdresser to tell Ms. Spears that he was not responsible for
5 creating the conservatorship. *See* Declaration of James P. Spears ("Spears Decl."), ¶¶ 2-3, Ex. A.
6 Mr. Lutfi also sent a text message stating "I've done everything I can to free her from this. Very
7 close to getting her free now." *Id.*, Ex. A.

8 On January 10, 2009, Mr. Spears received instant messages from a person with the screen
9 name "CityGalin 310." *See id.*, ¶ 4-5; Notice of Lodging Under Seal, Ex. A. The person – who
10 posed as the mother of a daughter with autism – made a number of utterly false and hurtful
11 assertions concerning Mr. Spears and his family, threatening to go public with such purported
12 "information" unless Mr. Spears spoke with that person. *See id.* At the end of the string of instant
13 messages, the anonymous person asked "Are you alone? you want me to call yoU?????" [*sic*]. *See*
14 *id.* Mr. Spears did not respond to the instant messages. *See* Spears Decl., ¶ 4.

15 Within 15 minutes after Mr. Spears received these instant messages, at about 6 p.m. on
16 January 10, 2009, Mr. Spears received a telephone call from Mr. Lutfi. *See id.*, ¶ 6. Mr. Lutfi
17 asked Mr. Spears if there was anything that he could do to help Mr. Spears and stated that he
18 wanted to meet with Mr. Spears as soon as possible. *See id.* Mr. Spears told Mr. Lutfi that he
19 would not meet with him without Mr. Spears' attorney Blair Berk being present, and that Mr. Lutfi
20 should contact Ms. Blair if he wanted to pursue a meeting. *See id.*, ¶ 7. After Mr. Spears received
21 Mr. Lutfi's telephone call, he never again received another instant message from the person with
22 the screen name "CityGalin 310." *See id.*, ¶ 8. Over the past month, Ms. Berk has received
23 multiple telephone calls and text messages from Mr. Lutfi. *See* Declaration of Blair Berk ("Berk
24 Decl."), ¶ 3. Starting at 6:29 p.m. on January 10, 2009 – almost immediately after Mr. Spears'
25 phone call from Mr. Lutfi – Ms. Berk began receiving multiple text messages and telephone calls
26 from Mr. Lutfi in which he was trying to set up a meeting to speak with Mr. Spears and Ms. Berk
27 with regard to alleged rumors concerning Mr. Spears and Ms. Spears. *See id.*, ¶ 3; Notice of
28 Lodging Under Seal, Ex. B..

1 In several telephone conversations – including one at 7:27 p.m. on January 20, 2009 – Mr.
2 Lutfi told Ms. Berk that he had been talking with Mr. Ghalib about the conservatorship and Ms.
3 Spears' status as a conservatee. *See* Berk Decl., ¶ 4.

4 On January 27, 2009, attorney John T. Anderson of the Law Office of John T. Anderson
5 sent counsel for Mr. Spears a proposed Ex Parte Petition seeking an order authorizing Ms. Spears
6 to retain him as her attorney in the conservatorship proceedings and to relieve as counsel Samuel
7 D. Ingham III, Ms. Spears' PVP counsel.³ *See* Wexler Decl., ¶ 2; Notice of Lodging Under Seal,
8 Ex. C.

9 On January 27, 2009, Mr. Anderson told counsel for Mr. Spears that he had initially been
10 contacted by Mr. Eardley about three or four weeks previously for assistance in preparing legal
11 papers, and that he spoke with Mr. Lutfi about two or three weeks after that. *See id.*, ¶¶ 3-5. Mr.
12 Anderson said that he told Mr. Lutfi that he could not proceed unless Ms. Spears signed an
13 engagement letter and other documents, and that he provided Mr. Lutfi with copies of such
14 documents so that Mr. Lutfi could have those documents signed by Ms. Spears. *See id.*, ¶ 6. Mr.
15 Lutfi thereafter provided Mr. Anderson with an Ex Parte Petition, an engagement letter, and a
16 Nomination of Counsel that purport to be signed by Ms. Spears. *See id.*, ¶ 7; Notice of Lodging
17 Under Seal, Ex. C.

18 Over the past month, Ms. Spears has had numerous telephone conversations with both Mr.
19 Lutfi and Mr. Ghalib and has exchanged numerous text messages with both of them. Spears
20 Decl., ¶ 9.

21
22
23
24
25
26
27
28 ³ Mr. Anderson has not filed those *ex parte* papers. *See* Wexler Decl., ¶ 9.

CH-100 - Item 9 - Others to be Protected

As set forth in more detail in the Declaration of James P. Spears and as discussed in Item 8 above, Mr. Lutfi has sent anonymous, harassing, and threatening instant messages to Mr. Spears and has contacted him by telephone.

CH-100 – Item 11 – Other Orders

Co-Conservators ask the Court to order that the persons identified in paragraph 2 are prohibited from engaging in any of the following actions:

- (1) acting on Ms. Spears' behalf, or purporting to act on her behalf;
- (2) inducing or assisting any other person to take action on Ms. Spears' behalf, or to purport to take action on her behalf; and
- (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

CH-100 – Item 12 – Temporary Orders

The Court has found that Ms. Spears is susceptible to undue influence and lacks the capacity to hire counsel. Especially in light of Ms. Spears' susceptibility to undue influence and lack of capacity, immediate relief is necessary to avoid the risk that the persons identified in paragraph 2: (1) will continue to harass Ms. Spears, Mr. Spears, and their family by contacting them via telephone, instant messaging, or otherwise causing distress to the entire Spears family, as well as harm to Ms. Spears' health and recovery; and (2) will continue to cause needless and substantial expense and will continue to interfere with the Co-Conservators' ability to effectively administer the conservatorship in the best interests of Ms. Spears by purporting to act on Ms. Spears' behalf and by seeking to induce others to purport to act on her behalf.

CH-100 – Item 18 – Lawyer's Fees and Costs

Co-Conservators are entitled to recover court costs and attorneys' fees under Cal. Civ. Proc. Code § 527.6(i).

Pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, Cal. Welf. & Inst. Code §§ 15600 *et seq.*, Co-Conservators also seek to recover attorneys' fees and costs as authorized by Cal. Welf. & Inst. Code §§ 15657 *et seq.* based upon the abuse of Ms. Spears, a dependent adult. Co-Conservators also seek to recover compensatory damages as authorized by such statutes.

續編
卷四
七
八
九
十

ORIGINAL

CH-120**Notice of Hearing and
Temporary Restraining Order**

- ① Name of person asking for protection:
Britney Jean Spears (through conservator James P. Spears)
- Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): Geraldine A. Wyle (SBN 89735)Luce, Forward, Hamilton & Scripps LLP601 S. Figueroa St., Suite 3900Los Angeles, CA 90017

- ② Name of person to be restrained:
Osama ("Sam") Lutfi

Description of that person:

Sex: ☒ M ☐ F Height: 5' 7" Weight: 170 pounds Race: Middle Eastern

Hair Color: Black Eye Color: Brown Age: 34 Date of Birth: 8/16/1974

Home Address (if known): 12629 Caswell Ave., Apt. P2

City: Los Angeles State: CA Zip: 90066

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

- ③ **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop harassment:

Good Cause Appearing: Name and address of court if different from above: _____

Hearing Date: 2/23/09 Time: 10:00 AM Same as above

Dept.: 11 Rm.: 246

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

- ④ **Court Orders**

The court (check a or b):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. ☒ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

EXH

Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Osama ("Sam") Lutfi

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ **Personal Conduct Orders**

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☒ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ **Stay-Away Order**

You must stay at least (specify): 250 yards away from:

- a. ☒ The person listed in ①
- b. ☒ The people listed in ⑩
- c. ☒ The home of the persons in ① and ⑩
- d. ☒ Jobs or workplaces of the persons in ① and ⑩
- e. ☒ Vehicle of person in ① ☒ Vehicles of persons in ⑩
- f. ☒ The protected children's school or child care
- g. ☒ Other (specify): Parents' homes, children's homes, siblings' homes

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ ☒ **Other Orders (specify):** You are prohibited from: (1) acting on Ms. Spears' behalf, or purporting to act on her behalf; (2) inducing or assisting any other person to take action on Ms. Spears' behalf, or to purport to take action on her behalf; and (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

This is a Court Order.

Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

10 ☒ Other Protected Persons

List of the full names of all family or household members protected by these orders:

Jamie P. Spears, Lynne Spears, Sean Preston Federline, Jayden James Federline

Instructions for the Protected Person

To the person in **(1)**: *(Write the name of the person in (1))*: _____

11 Service of Order on Law Enforcement

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

Los Angeles Police Department

150 N. Los Angeles St., L.A., CA 90012

Beverly Hills Police Department

464 N. Rexford Drive, Beverly Hills, CA 90210

12 Service of Documents

You must have someone personally deliver to the person in **(2)** a copy of all the documents checked below:

- a. ☒ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. ☒ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. ☒ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. ☒ CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☒ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. ☐ Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in **(2)**.

13 Time for Service (check a, b, or c)

- a. ☒ A copy of the documents listed in **(12)** must be served in person to the person in **(2)** at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in **(12)** must be served in person to the person in **(2)** at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in **(12)** must be served in person to the person in **(2)** at least _____ days before the hearing.

14 ☐ No Fee for Filing

Filing fees are waived.

This is a Court Order.

Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

15 ☐ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. ☐ The Order is based on stalking.
- b. ☐ The Order is based on a credible threat of violence.
- c. ☐ The person in ① is entitled to a fee waiver.

Date: JAN 30 2009

[Signature]
Judicial Officer

AVIVA BOBB

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: JAN 30 2009

Clerk by

, Deputy

[Signature]
JERRI A. CLARKE

[Signature]
Sai Jimenez

This is a Court Order.



Revised July 1, 2007

Notice of Hearing and Temporary Restraining Order (CLETS)
(Civil Harassment)

CH-120, Page 4 of 4



CH-140**Restraining Order After Hearing
to Stop Harassment**

- ① Your name (person asking for protection):
Britney Jean Spears (through conservator James P. Spears)

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): Joel E. Boxer (SBN 50169),

Bird Marella Boxer et al., 1875 Century Park East,
23rd Floor, Los Angeles, CA 90067 (310) 201-2100.

- ② Name of person to be restrained:
Osama ("Sam") Lutfi

Clerk's stamp date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

APR 28 2009

JOHN A. CLARKE, CLERK

BY SALVADOR JIMENEZ, DEPUTY

Fill in court name and street address:

Superior Court of California, County of
Los Angeles
Stanley Mosk Courthouse
111 N. Hill St.
Los Angeles, CA 90012

Fill in case number:

Case Number:

BP108870

Description:

Sex: ☒ M ☐ F Height: 5'7" Weight: 170 pounds Race: Middle Eastern
Hair Color: Black Eye Color: Brown Age: 34 Date of Birth: 8/16/1974

③ Hearing

There was a hearing:

on (date): 4/28/2009 at (time): 7:45 ☒ a.m. ☐ p.m. Dept.: 11 Rm: _____

The Honorable Aviva K. Bobb
(Name of judicial officer) made the orders at the hearing.

These people were at the hearing:

- a. ☐ Plaintiff (the person in ①) c. ☐ Plaintiff's lawyer (name): See attachment A
b. ☐ Defendant (the person in ②) d. ☐ Defendant's lawyer (name): _____

④ This Is a Court Order

You must obey all the orders indicated below. If you do not obey this Order, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both. See attachment B

⑤ Expiration Date

This Order, except for an award of lawyer's fees, expires at:

(time): _____ ☐ a.m. ☐ p.m. or ☒ midnight on (date): April 28, 2012

If no date is present, this Order expires three years from the date of issuance.

This is a Court Order.

EXI

Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

6 ☒ Personal Conduct Orders

You must *not* do the following things to the people listed in ① and ⑪:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. ☒ Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. ☒ Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑪. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case does not violate these orders.

7 ☒ Stay-Away Order

You must stay at least (specify): 100 yards away from:

- a. ☒ The person listed in ①
- b. ☒ The people listed in ⑪
- c. ☒ The home of the persons in ① and ⑪
- d. ☒ Jobs or workplaces of the persons in ① and ⑪
- e. ☒ Vehicle of person in ①
- f. ☒ The protected children's school or child care
- g. ☒ Other (specify): Parents' homes, children's homes, siblings' homes.

This stay-away order does not prevent the person in ② from going to or from that person's home or place of work.

8 ☐ No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

9 ☐ Turn In or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use CH-145 for this.)

- 10 ☒ Other Orders (specify):** You are prohibited from: (1) acting on Ms. Spears' behalf, or purporting to act on her behalf; (2) inducing or assisting any other person to take any action on Ms. Spears' behalf, or to purport to take action on her behalf; and (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

11 ☒ Other Protected Persons

List of the full names of all family and household members protected by these orders:

At 6 James P. Spears, Lynne Spears, Sean Preston Federline, Jayden James Federline.

This is a Court Order.

Your name: Britney Jean Spears (through conservator James P. Spears)

Case Number:

BP108870

Instructions for the Protected Person

To the person in ① (Write the name of the person in ①): Britney Jean Spears (through James P. Spears)

⑫ ☒ **Delivery to Law Enforcement**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

Name of Law Enforcement Agency:

Los Angeles Police Department

Beverly Hills Police Department

Los Angeles County Sheriff's Dept --

Malibu/Lost Hills Sheriff's Station

Address (City, State, Zip)

150 N. Los Angeles St., L.A., CA 90012

464 N. Rexford Drive, Beverly Hills, CA 90210

27050 Agoura Road, Lost Hills, CA 91301

⑬ ☐ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. ☐ The Order is based on stalking.
- b. ☐ The Order is based on a credible threat of violence.
- c. ☐ The person in ① is entitled to a fee waiver.

Date: APR 28 2009

Judicial Officer

AVIVA BOBB

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑤ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an Order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

(Clerk will fill out this part)

Clerk's Certificate

I certify that this *Restraining Order After Hearing to Stop Harassment (CLETS)* is a true and correct copy of the original on file in the court.

Date: APR 28 2009

Clerk by

TERESA CLARKE

Deputy

Sal Jimenez

This is a Court Order.

**Restraining Order After Hearing
to Stop Harassment (CLETS)
(Civil Harassment)**

CH-140, Page 3 of 3



1 CH-140 – Item 2 – Persons Attending the Sessions of the Hearing

2 on February 23 & 25, 2009, March 18, 2009, April 1, 2009,

3 April 21, 2009, and/or April 28, 2009

4 1. James P. Spears ("Mr. Spears") as conservator of the person and co-conservator of
5 the estate of Britney Jean Spears (February 23, 2009 only).

6 2. Andrew M. Wallet ("Mr. Wallet") as co-conservator of the estate of Britney Jean
7 Spears (all six sessions).

8 3. Geraldine A. Wyle of Luce, Forward, Hamilton & Scripps LLP ("LFH&S")
9 (during February 2009) and Hoffman, Sabban & Watenmaker (as of March 2009) (all six
10 sessions).

11 4. Jeffrey D. Wexler of LFH&S as counsel for Mr. Spears (all six sessions).

12 5. Joel E. Boxer of Bird Marella Boxer Wolpert Nessim Dooks & Lincenberg as
13 counsel for Mr. Spears and Mr. Wallet (all six sessions).

14 6. Bryan J. Freedman and Bradley H. Kreshek of Freedman & Taitelman, LLP as
15 counsel for respondent Osama ("Sam") Lutfi (all six sessions).

16 7. Roger Jon Diamond as counsel for respondent Jon Jay Eardley ("Mr. Eardley") (all
17 six sessions).

18 8. Mr. Eardley (February 23, 2009 only).

CH-140 – Item 4 – This is a Court Order

This Order is issued pursuant to Code of Civil Procedure §§ 527.6 and 527.9 and Welfare
and Institutions Code § 15657.03.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -

By: DENNIS WASSER and LAURA

A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:

MARK V. KAPLAN and JAMES

SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE

OF THE COUNTY COUNSEL - By:

DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.

GOLDSMAN and JON S. SUMMERS and

ANDREA D. GIEDRAITIS (x)

**Nature of Proceedings: MOTION FOR AN ORDER TO SEAL SECOND
FURTHER JUDGMENT - FILED BY PETITIONER ON JULY 30, 2007
(c/f: 08/14/2007; 09/14/07) - COURT'S RULING**

**EX PARTE APPLICATION TO AMEND AND EXPAND REQUEST TO SEAL TO
INCLUDE ALL PLEADINGS WHICH RELATE TO CHILD CUSTODY - FILED
BY PETITIONER
(c/f: 09/14/07) - COURT'S RULING**

**ORDER TO SHOW CAUSE RE: MODIFICATION OF CHILD CUSTODY;
VISITATION; INJUNCTIVE ORDER; ATTORNEY FEES/COSTS; ETC. - FILED
BY RESPONDENT ON AUGUST 8, 2007**

It is stipulated by the parties that Commissioner Scott M. Gordon may hear this and all further hearings in this matter.

The Court and counsel confer in chambers without the presence of the official court reporter.

Matter is called for hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -

By: DENNIS WASSER and LAURA

A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:

MARK V. KAPLAN and JAMES

SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE

OF THE COUNTY COUNSEL - By:

DOUGLAS A. HUNTER (X)

FREID AND GOLDSMAN - By: MELVIN S.

GOLDSMAN and JON S. SUMMERS and

ANDREA D. GIEDRAITIS (X)

The Court issues its ruling with regard to the Petitioner's Request to Seal portions of the court file. The Court makes findings and orders pursuant to CRC 2.550(d); CRC Rule 2.550 (e) (1) (A); CRC Rule 2.550(e) as recited this date in open court and fully reflected in the document entitled, "Court's Order Regarding Request to Seal Documents" filed this date.

Upon the oral motion of counsel for Petitioner, the Court closes the courtroom pursuant to Section 214 F.C and the matter proceeds as a closed hearing.

County Counsel reports to the Court.

County Counsel is thanked and excused by the Court.

Counsel Goldsman makes a disclosure regarding a potential conflict. Counsel Kaplan waives any potential conflict.

Each party is given the opportunity to cross examine any witnesses who have filed declarations. The parties declined.

The issue of attorney fees and interim orders are argued and the parties rest.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Each party is ordered to serve and file an Income and Expense Declaration, complete with all required attachments within ten days of this date. Income and Expense Declarations are to be in full compliance with Local Rule 14.9.

Respondent to file an updated "Keech" declaration within ten days of this date and the Petitioner may file a responsive declaration to the "Keech" declaration within ten days thereafter.

The issue of attorney fees shall be taken under submission upon the Court's receipt of each party's Income and Expense Declaration and the "Keech" pleadings, unless the parties reach a stipulation resolving the issue.

The Court makes its order as more fully reflected in the notes of the official court reporter.

The Court makes the following interim orders pursuant to Family Code Section 3022. These orders are made without prejudice pending the child custody evaluation and the full hearing on the Respondent's Order to Show Cause Re: Modification of Child Custody and Visitation.

For purposes of clarification the minor children referred to in these orders are Sean Preston Federline, Birth Date: 09-14-05; Jayden James Federline, Birth Date: 09-12-06.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Counsel have met and conferred with regard to selecting a Child Custody Evaluator and have been unsuccessful. Counsel for respondent has previously submitted his list of proposed evaluators. Counsel for petitioner is directed to submit a listing of three proposed evaluators within 24 hours of this date and the Court will make the determination.

Counsel are ordered to forward a copy of the orders issued this date to the Child Custody Evaluator.

The Court declines to modify the existing custodial timeshare.

The parties' stipulated custodial arraignment as set forth in the Second Further Judgment, remains in full force and effect with the following terms and conditions imposed.

Neither party shall remove the minor children from the State of California, absent the prior written consent of the other parent or prior order of the Court. In all instances of out of state travel with the minor children, whether through stipulation of the parties or prior order of the Court, the party removing the child from the state shall provide the other parent with a full itinerary, complete with all addresses and telephone numbers for the location(s) of where the children will be staying for the duration of the trip. Said itinerary shall further contain all travel arraignments, including flight numbers for the children.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -

By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Each party is restrained from making derogatory remarks about the other party and the other party's family or significant other, either directly or indirectly to the minor children, and from allowing anyone else to do so. This includes any person employed by the parties.

Each party is ordered to complete the PARENTING WITHOUT CONFLICT program and file verification of completion with the court. Each party to submit verification of enrollment in either the Parenting Without Conflict program or other equivalent program within five days of this date.

Each party is restrained from using corporal punishment with the minor children and from allowing anyone else to do so.

Parties may select an alternative mental health professional to assist them and provide the Court with written notification of their selection within five days of this date in lieu of the Parenting Without Conflict program.

Parties are to engage in joint co-parenting counseling. Parties are ordered to equally share in the costs for the joint co-parenting counseling. Counsel are ordered to meet and confer with regard to selecting a therapist. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed therapists and the Court will make the determination.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Judge

M. ARNOLD

Dept: CE88

Honorable SCOTT M. GORDON

Judge Pro Tem

R. WILLIAMS

Deputy Clerk

12 S. VARTAZAROV

Deputy Sheriff

GINGER WELKER, CSR#5585

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Neither party shall consume alcohol, or other non-prescription controlled substance during or for the 12 hours immediately preceding any period such party is responsible for the health and safety of the minor children.

Petitioner shall engage in individual counseling to address parenting issues at least once per week. Counsel for petitioner is to provide the Court with written notice as to the professional selected within ten days of this date.

Each party shall advise the other of his or her current residence address, and phone numbers and shall advise the other of any changes within 24 hours of any such changes.

Each party is ordered to notify the other within 48 hours of any change in the employment status of the children's existing child care professionals.

Each party is ordered to notify the other within 24 hours of retaining any new child care professional for the minor children.

Any prospective child care professional for the minor children must hold valid certifications by the American Red Cross in Infant and Child CPR as well as in Basic First Aid. In the event that the existing child care professionals do not possess these certifications, the certifications must be obtained forthwith.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	09-17-07			
Honorable		Judge	M. ARNOLD	Dept: CE88
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Deputy Clerk
12	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Court Assistant
				Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner: WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent: KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Pursuant to the stipulation of the parties, the Petitioner is ordered to meet with a Parenting Coach for a minimum of eight hours each week, in at least two sessions per week. The Parenting Coach is to observe the Petitioner's interaction with the minor children and her parenting skills. Counsel are ordered to meet and confer with regard to selecting the parenting coach. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed coaches and the Court will make the determination.

Costs for the Parenting Coach to be borne by the Petitioner.

The Parenting Coach shall provide each counsel with a written progress report by October 22, 2007. The Parenting Coach shall appear in Department 88 on November 26, 2007.

Pursuant to Family Code Section 3041.5, the Petitioner is ordered to undergo testing for the use of controlled substances and alcohol. Based on the Evidence presented, the Court finds that there is a habitual, frequent, and continuous use of controlled substances and alcohol by the Petitioner.

The costs of testing shall be paid by Petitioner.

Testing shall be conducted twice per week on random dates and times.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)
VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

The results of said testing shall be forwarded to the Court and will be sealed in the Court file. The testing facility is specifically ordered to file hard copies of the results directly with the Court. The testing facility is ordered not to fax the results to the Court. The results shall not be released except upon order of the Court. Any person receiving test results upon order of the Court shall receive notice that unauthorized distribution of test results is punishable by civil sanctions of up to \$2,500. (Family Code Section 3041.5).

Counsel are ordered to meet and confer with regard to selecting a testing facility in conformity with Section 3041.5 F.C.. If counsel are unable to agree upon a facility within five days of this date, the testing shall be conducted through Sentinel Offender Services.

The Court orders that the testing facility is to give notices of testing directly to petitioner and not through her counsel or representatives.

The Court's prior ruling issued on July 30, 2007 remains in full force and effect pending further written order of the Court.

Matter is continued to November 26, 2007 at 8:30a.m. in Department 88.

Parties appearing waive notice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

Counsel for Respondent is directed to prepare the Order.

FORTHWITH each party is to be provided a copy of the Court's Orders and are ordered to sign the order acknowledging both receipt of the Order and confirmation that they have read the orders contained therein. The signed acknowledgments are to be filed with the Court forthwith.

THE COURT ORDERS THAT THE PORTION OF THE TRANSCRIPT OF PROCEEDINGS FOR THE CLOSED HEARING HELD IN THIS MATTER ON THIS DATE IS ORDERED SEALED AND IS OBTAINABLE ONLY BY COUNSEL OF RECORD APPEARING THIS DATE OR BY ORDER OF THE COURT.

1

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FILED

LOS ANGELES SUPERIOR COURT

RECEIVED

SEP 17 2007

FRED AND GOLDSMAN
Professional Corporation

SEP 17 2007

In re the Marriage of:**Petitioner:****BRITNEY SPEARS****and****Respondent:****KEVIN FEDERLINE****CASE NUMBER:****BD456662****COURT'S ORDER REGARDING
REQUEST TO SEAL DOCUMENTS**

Unless confidentiality is required by law, court records are presumed to be open to the public (CRC 2.550(c)). Therefore, pleadings, motions, discovery documents, and other papers may not be filed under seal merely by stipulation of the parties. A prior court order must be obtained. CRC 2.551(a). A motion or application is required, accompanied by points and authorities and supported by declarations stating facts justifying the sealing. CRC 2.551(b).

In this matter, the Petitioner has brought a properly noticed Motion to Seal the Second Further Judgment on Reserved Issues. The Respondent has joined in this motion. The Court has also received pleadings and arguments from Non-Party Press Organizations. On September 14, 2007, the Petitioner brought an *Ex Parte* Motion to extend her Motion to Seal to all pleadings in this matter dealing with child custody and visitation issues.

EXK

The Respondent joined in the Petitioner's *Ex Parte* request. The hearing was conducted on September 14, 2007, regarding the Petitioner's requests regarding sealing the court file regarding issues surrounding child custody and visitation.

It is clear that the presumption of openness applicable to substantive courtroom proceedings in ordinary civil cases likewise applies to court records in divorce proceedings. *Burkle v. Burkle* (2006) 135 CA4th 1045, 1052. During the course of their arguments, the Petitioner and Non-Party Press Organizations, have addressed the issue of whether there exists an exception to the openness presumption when child custody issues are involved in dissolution cases.

The Legislature has addressed the issue of confidentiality relating to child custody matters in several contexts. Family Code §7643 addresses the confidentiality of paternity proceedings. Family Code §8611 addresses the confidentiality of adoption proceedings. Family Code §3041 gives the court discretion to close hearings regarding the custody of children with non-parents. Family Code §7884 addresses the confidentiality of proceedings regarding the termination of parental rights.

Family Code §3025.5 addresses the confidentiality of psychological evaluations of children conducted within the context of a child custody proceeding. Family Code §3111 provides that child custody evaluations performed in the context of a child custody proceeding shall be kept confidential.

Family Code §214 pertains to a court's discretion to family law proceedings when it is the interest of justice and in the interest of the litigants involved in the case. This statute provides that:

Except as otherwise provided in this code or by court rule, the court may, when it considers it necessary in the interests of justice and the persons involved, direct the trial of any issue of fact joined in a proceeding under this code to be private, and may exclude all persons except the officers of the court, the parties, their witnesses, and counsel.

Family Code §214 was enacted in 1994 with the passage of legislation creating the California Family Code. The statute derives from former California Civil Code sections including California Civil Code §84 enacted in 1963. There have been few cases that have discussed the applicability of the statute.

In re Marriage of Lechowick (1998) 65 Cal. App. 4th 1406, addressed issues surrounding the closure of family law proceedings. In that case, the appellant had raised issues concerning the closure of proceedings in a family law case and sealing court records. The Court in *Lechowick* held that Family Law Code §214 applied only to the closure of hearings.

The only other case dealing with this statute which authorizes a court making family law hearings private states: "In an action for divorce . . . the court may direct the trial of any issue of fact joined therein to be private . . ." The court's exclusion of the public in this case was well within the purview of that section. *It was done for the good of the child, a*

purpose that would not be best subserved by further discussion. Whitney v. Whitney
(1958) 164 Cal. App. 2d 577

The issue of sealing financial records in family law cases has been addressed. In *Burkle*, the trial court ordered the redaction of certain financial information pursuant to a provision of the Family Code authorizing the sealing of the records upon the request of the parties. *Burkle*, supra, 135 CA4th at 1049. The Court in *Burkle* found the blanket sealing statute unconstitutional and held that the test provided in *NBC Subsidiary* applied to dissolution cases.

NBC Subsidiary (KNBC-TV), Inc. v. Sup.Ct. (Locke) (1998) 20 CA4th 1178, dealt with a non-family law civil trial. In that case, two prominent celebrities were involved in civil litigation regarding several property and financial issues. In making orders to close the proceeding, the trial court was concerned about the jury's exposure to influence from the media and entered, on its own motion, an order excluding the public and journalists from all proceedings that did not occur in the presence of the jury and providing that transcripts would not be released until after the conclusion of trial. The appellate court reversed, and the California Supreme Court affirmed, finding that First Amendment standards governed closure of trial proceedings applied in a civil setting, that closure of the underlying civil action triggered First Amendment scrutiny, and the trial court's closure order failed to meet minimum requirements imposed by the state "open court" statute, as interpreted in light of requirements of the First Amendment.

NBC Subsidiary limits its finding to the right of access in "ordinary civil proceedings in general and not any right of access to particular proceedings governed by specific statutes," acknowledging that "various statutes set out, for example, in the Code of Civil Procedure, Family Code, and Welfare and Institutions Code provide for closure of certain civil proceedings." *Id.* at 1212, fn. 30.

To grant an order sealing court records, the court must expressly find that: (1) an overriding interest exists that overcomes the right of public access to the record; (2) the overriding interest supports sealing the records; (3) a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) the proposed sealing is narrowly tailored; and (5) no less restrictive means exist to achieve the overriding interest. CRC 2.550(d), *NBC Subsidiary, supra*, 20 C4th at 1217-1218.

A footnote of *NBC Subsidiary* discusses various "overriding interests" that courts have acknowledged as justifying closure or sealing: protection of minor victims of sex crimes (*Globe Newspaper Co. v. Sup.Ct.* (1982) 457 US 598, 607), privacy interests of a prospective juror during individual voir dire (*Press-Enterprise Co. v. Sup.Ct.* (1984) 464 U.S. 501, 512), protection of witnesses from embarrassment or intimidation so extreme that it would traumatize them or render them unable to testify (*Rovinsky v. McKaskle* (1984) 722 F.2d 197, 200). *NBC Subsidiary, supra*, 20 C4th at 369, fn. 46.

Courts have permitted the sealing of several different types of documents under the *NBC Subsidiary* test. (Documents containing trade secrets, *In re Providian Credit Card*

Cases (2002) 98 Cal.App.4th 292, 300, documents containing material protected by a privilege, *Huffy Corp. v. Sup.Ct. (Winterthur Swiss Ins. Co.)* (2003) 112 Cal.App.4th 97, 108, documents dealing with attorney-client privilege and confidential settlement agreements, *Universal City Studios, Inc. v. Sup.Ct.* (2003) 110 Cal.App.4th 1273, 1283).

It is clear that the Legislature has long maintained a concern and made provisions for the privacy of children who are brought into various types of Family Law litigation. As provided for in the statutes described above, the possible stigma to a child surrounding issues relating to the determinations involved in a paternity case have been legislatively determined to overcome the presumption of openness of proceedings. Additionally, the Legislature has determined that the issues surrounding the mediation of child custody disputes, child custody evaluations, psychological evaluations of children, adoption proceedings, hearings regarding the custody of children with non-parents and the termination of parental rights deal with issues that require the court to provide for the privacy and protection of the children who are brought into the justice system to deal with these very personal issues. In addition to the protections afforded to children by these statutes, the Legislature has provided Family Code §214 to family law trial courts.

The Petitioner and Respondent have argued that this comprehensive legislative scheme providing for the privacy interests of children involved in family law proceedings creates a presumption that hearings dealing with issues of child custody and visitation are presumed to be closed. This is not the case. However, these statutes provide vivid examples of the types of sensitive and personal issues that family law courts are

required to deal with and they illustrate the clear Legislative policy mandating that those involved in litigating issues regarding the children of California must do so with the needs of those children being held as an overriding concern.

The parties argue that the disclosure of the information they seek to seal could pose a significant threat to the security of the children in this case and would "unnecessarily invade the privacy rights of the parties and the minor children." The Petitioner further argues that the "torrent of publicity generate by this case poses an unprecedented risk of devastating embarrassment to the children as they grow older." The parties further argue that this case has garnered and will continue to generate a tremendous amount of interest by the media.

In her moving documents, the Petitioner argues that she is a performer and one of the most highly visible entertainers in the world. She further argues that this martial dissolution has garnered an unprecedented amount of media attention and the litigation in this matter has caused an increase in the amount of media attention to the case.

The Petitioner argues that due to the level of media attention she has received because of this case and the tactics employed by the journalists covering the issues, her safety and public safety has been threatened on numerous occasions. The Petitioner indicates that as a result of this attention, she employs a full-time security service.

The Non-Party Press Organizations have indicated in their arguments: "[t]o be clear, the Press Organizations agree that the security or privacy of minor children may constitute a compelling interest that upon a proper showing, may justify redacting information from court records in divorce proceedings." In arguing that the Petitioner has not demonstrated a proper showing to justify the sealing of the records, the Non-Party Press Organizations argue that the media scrutiny that the Petitioner receives is something that she has sought and cultivated throughout her career. The Press Organizations further point out that she has in fact made photographs of her children available to the press. In fact, the Press Organizations include as an exhibit to the Non-Party Press Organizations Response to Petitioner's Reply Brief, a print-out of what appears to be a "Google" search for the terms "Sean Preston" "Britney Spears." This exhibit indicates that there were 667,000 results for this specific inquiry. The Press Organizations have included a similar exhibit for the term "Britney Spears" which shows 44,400,000 results.

The Press Organizations couch much of their argument in terms of the language provided in *Estate of Hearst* (1977) 67 Cal.App.3d 777. *Hearst* dealt with an order to seal an entire probate file. The Court in *Hearst* did find that the speculative showing made in the case regarding possible threat to the beneficiaries of the trust did not justify the permanent sealing of the file. However, the Court did indicate that the facts might support a reasonable redaction of the file premised on a showing of ongoing and immediate threat. *Estate of Hearst* (1977) 67 Cal.App.3d 777, 784.

It is interesting to note that the Court in *Hearst* made the following comments: "But when parties perceive advantages in obtaining continuing court supervision over their affairs, thereby projecting their wishes beyond the span of their individual lives and securing court protection for the beneficiaries of their testamentary plans, in a sense they take the good with the bad, knowing that with public protection comes public knowledge of the activities, assets, and beneficiaries of the trust." *Estate of Hearst* (1977) 87 Cal.App.3d 777, 784.

In this matter, the issue is the best interest of the children involved in the case. Unlike the parties in *Hearst*, the parties here have limited their requests to certain portions of the file, those issues dealing with the custody and visitation of the children. In this matter, the children have not been afforded the choice of litigating this matter in public and must suffer the "good and bad" as a result of the decisions of those who care for them. The evidence presented in this case clearly demonstrates a tremendous and ongoing media interest in this case. There has been no evidence presented that refutes these assertions, in fact the exhibits offered by the Non-Party Press Organizations support these contentions. However, the Press Organizations are correct in noting that the arguments made by the parties rest primarily upon the declarations of counsel. The Court has considered all of the pleadings in the case, the arguments of counsel and the exhibits provided by the litigants.

The facts provided here demonstrate that it is in the best interest of the children that the portions of the court file dealing with custody and visitation be redacted pursuant to the

orders below. However, the Non-Party Press Organizations have correctly noted that the factual arguments made by the Petitioner are supported in great measure primarily by the declaration of Petitioner's Counsel. The offer of proof made by Petitioner's Counsel, if supported by competent evidence, clearly supports the Court's orders made below. Therefore, pursuant to *Hearst*, the Court makes the orders described below on a temporary basis and until further hearings and further order of the Court.

The Court finds pursuant to Court Rule 2.550(d) that the facts in this case demonstrate that there is an overriding interest that overcomes the right of public access to the record in this case involving issues of child custody and visitation. The Court further finds that this overriding interest supports sealing the record and that a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed. The Court finds that the orders as described below are narrowly tailored; and that no less restrictive means exist to achieve the overriding interest.

Pursuant to CRC Rule 2.550 (e) (1) (A), the Court finds that this matter has attracted a great deal of media interest. Pursuant to the evidentiary issues noted above, the Court further finds that the level of media interest in this matter and the methods employed by the media in pursuit of this interest has caused an immediate threat to the safety of the minor children in this matter. Additionally the Court finds that the nature of the litigation surrounding the child custody and visitation issues of this case, are such that the release of the records subject to the Order of the Court below would subject the children to unnecessary embarrassment and stigma.

Pursuant to CRC Rule 2.550(e), the Court makes the following orders:

To All Parties and Their Attorneys of Record the Court orders:

1. Pleadings submitted by the parties and experts appointed in the case entitled *Spears v. Federline*, Los Angeles Superior Court Case No. BD455662, including attachments and exhibits, containing information as described below, shall be redacted and sealed, and the records relating thereto shall not be disseminated, disclosed, and/or published in any way, or the substance thereof communicated to anyone other than the Court, the parties, the parties' respective counsel of record and the parties' respective expert witnesses. This order shall apply to pleadings containing the following information which shall be redacted and sealed pursuant to the orders described below.

- a. The addresses of the children's and the parties' places of residence;
- b. The names of parties/organizations providing activities for the children and locations of the children's activities;
- c. Information relating to child custody issues involving the mental and physical health of the parties and the children;
- d. The dates and locations of exchanges of custody of the children relating to visitation;
- e. Specific custody and visitation schedules;
- f. The parties and the children's Social Security numbers;
- g. Dates, locations and itineraries relating to travel by the children;
- h. The names and addresses and contact information of professionals employed by the parties for the sole purpose of providing care to the children;

- i. Descriptions, including license plate numbers of the parties' vehicles, and/or the vehicles of professionals employed by the parties for the sole purpose of providing care to the children;
- j. The name and location of the minor children's schools and/or day care facilities;
- k. Declarations, exhibits and attachments submitted and relating specifically to child custody and visitation issues (this order does not apply to portions of declarations, exhibits and attachments submitted by the parties that consist or are derived from material published in the media that is already in the public domain).

Procedures Regarding Sealing and Redaction:

The following procedures shall be employed in connection with redacting and sealing information contained within the pleadings that are filed in this matter relating to or containing information subject to the Court's orders, described above:

1. **Service and Confering Regarding Redactions:** The party serving a pleading in this matter on the other party ("Filing Party") shall serve the party receiving the pleading ("Non-Filing Party"), via hand delivery or facsimile, with an un-redacted copy of the pleading *within the statutory time* prescribed for the service of such pleading.
2. The Filing Party shall concurrently serve the Non-Filing Party with his/her proposed redacted copy of the pleading. Counsel for the party shall meet and

confer regarding the redactions to be made to the pleading within 48 hours of the Non-Filing Party's receipt of the pleading.

3. **Filing Original Un-redacted Pleading/Conforming Copy:** The Filing Party shall submit the un-redacted original in a sealed envelope *within the statutory time* prescribed for the filing of such pleading.
4. The outside of the sealed envelope shall contain the following information:

**CONFIDENTIAL ORIGINAL UNREDACTED PLEADING FOR THE COURT
IN THE MATTER OF:**

SPEARS v. FEDERLINE, CASE No.: BD455662.

The Filing Party shall submit the first page of the original un-redacted pleading to the Court Clerk (in Department 88) in order for the copy to be conformed. This copy shall be submitted personally by Counsel for the parties or in a sealed envelope if submitted through an Attorney Service. The Clerk shall conform the copy and return it to the Filing Party.

5. **Filing of Redacted Copy (Stipulated):** If there are no disputes between the parties concerning the redaction of the submitted pleading, the following provisions apply:
 - a. Concurrently with the filing of any un-redacted pleading, the parties shall submit a stipulated redacted copy of the pleading, along with an order to be signed by the Court reflecting the redaction in compliance with the Court's instant orders.

b. After review and approval of the redactions and the order, the un-redacted version of the pleading and the order will be filed by the Court Clerk in a sealed court file.

c. The stipulated redacted version and a copy of the order will be filed in the public court file.

6. Filing of Redacted Copy (Disputed): If the parties are unable to reach a stipulation on all proposed redactions, the following provisions shall apply:

a. Concurrently with the filing of any original un-redacted pleading, the parties shall submit a redacted copy with those parts of the pleading the parties stipulate should be redacted, pursuant to the Court's Order, along with a Court Order regarding the stipulated redactions in a sealed envelope, as described above.

b. As to the contested redactions, each party shall submit to the Court a proposed redacted pleading, along with a proposed Court Order regarding the redaction in a sealed envelope, as described above.

c. The Court will rule on the contested redactions and issue an order thereon.

d. When ruling on any contested redactions, the Court reserves the discretion to schedule a hearing regarding the contested redactions.

7. Failure to Submit Redactions. If the parties or a party, does not timely file a stipulated or contested redacted pleading pursuant to the orders described above, the filed un-redacted pleading will be filed in the public Court file.

8. Previously submitted pleadings. Within ten days of this order, the Parties shall meet and confer with regard to the pleadings submitted in this matter that were subject to the Court's prior orders with regard to sealing records. The parties shall adhere to the orders described above and shall redact the already filed pleadings in conformity with the provisions and procedures of the orders above.

It is so ordered.

Dated: September 17, 2007



SCOTT M. GORDON, COMMISSIONER



1 MARK VINCENT KAPLAN (SBN 58836)
JAMES M. SIMON (SBN 109913)
2 KAPLAN & SIMON, L.L.P.
2049 Century Park East, Suite 2660
3 Los Angeles, California 90067
Telephone: (310) 277-9009
4 Facsimile: (310) 552-1970

5 Attorneys for Respondent
KEVIN FEDERLINE

FILED
LOS ANGELES SUPERIOR COURT

SEP 28 2007

JOHN A. CLARKE, CLERK
M. Arnold
BY M. ARNOLD, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 In re Marriage of:

CASE NO. BD 455 662

12 Petitioner: BRITNEY SPEARS

13 and

14 Respondent: KEVIN FEDERLINE
15
16

~~STIPULATION AND ORDER~~
RE DRUG AND ALCOHOL TESTING
OF PETITIONER
Comr. Scott M. Gordon
Dept. 88

17 WHEREAS, on September 17, 2007, the Court ordered that Petitioner shall
18 undergo random testing at least two times a week for the use of alcohol and controlled
19 substances and further ordered that counsel for the parties shall meet and confer with
20 regard to selecting the testing facility and the methodology for testing.

21 WHEREAS, on September 24, 2007, a chambers conference with counsel and
22 the Court was held at which counsel stipulated to the testing facility and the
23 methodology for testing;

24 NOW, THEREFORE, in consideration of the foregoing, IT IS HEREBY
ORDERED as follows:
25 ~~STIPULATED by and between Petitioner and Respondent through their respective~~
26 ~~attorneys of record that the Court shall enter the following orders:-~~

27 1. Petitioner shall forthwith submit to random testing two times per calendar
28 week by the stipulated testing facility for the presence of alcohol and controlled

1 substances. Petitioner shall provide her urine specimen within four to six hours of
2 telephonic notification from the testing facility to Petitioner. This notification shall be
3 given directly to Petitioner at her telephone number which she shall provide forthwith to
4 the testing facility. Three attempts over the course of at least one hour to contact
5 Petitioner at that number without a response from Petitioner shall constitute a failure to
6 test. In providing her urine specimen, Petitioner shall be supervised and observed by a
7 female member of the testing facility who shall collect the specimen from Petitioner at
8 her residence. Prior to providing her urine specimen, Petitioner shall notify and provide
9 written proof of prescription to the supervisor of her testing of any prescribed
10 medications taken by Petitioner during the week prior to the submission of her urine
11 specimen. Petitioner shall forthwith provide her residence address to the testing facility.
12 Petitioner may provide the testing facility with an alternate name for Petitioner to be
13 used for the laboratory testing to maintain confidentiality of the test results.

14 2. The test results shall be delivered by the testing facility to the Court
15 in a sealed envelope so as to maintain their confidentiality. The testing facility is
16 specifically ordered to file hard copies of the results directly with the Court. The
17 test results shall also be delivered by the testing facility to counsel for the parties in a
18 manner selected by such counsel so as to maintain their confidentiality. The test
19 results shall not otherwise be released except upon order of the Court. Any person who
20 has access to the test results may not disseminate copies or disclose information about
21 the test results to any person other than a person who is authorized to receive the test
22 results pursuant to this paragraph. Any breach of the confidentiality of the test results
23 shall be punishable by civil sanctions not to exceed two thousand five hundred dollars
24 (\$2,500). The results of the testing may not be used for any purpose, including any
25 criminal, civil, or administrative proceeding, except to assist the Court in determining,
26 for purposes of the proceeding, the best interest of the child pursuant to section 3011,
27 and the content of the order determining custody or visitation. Counsel for the parties

28 ///

1 shall notify the testing facility of this confidentiality order. The cost of testing pursuant
2 to this order shall be borne by Petitioner.

3 3. This order may be executed by counsel in counterpart and by facsimile
4 transmission, any combination of which shall be deemed an original and may be filed
5 with the Court.

6 THE FOREGOING IS AGREED TO BY:

7
8 Dated: _____

TROPE AND TROPE

9
10 By _____
11 TARA L. SCOTT
Attorneys for Petitioner

12 Dated: 9/28/07

KAPLAN & SIMON, L.L.P.

13
14 By *James M. Simon*
15 JAMES M. SIMON
16 Attorneys for Respondent

17 IT IS SO ORDERED.

18
19 Dated: SEP 28 2007

20 *Scott M. Gordon*
21 SCOTT M. GORDON, Commissioner
22 Los Angeles Superior Court
23 SCOTT M. GORDON
24
25
26
27
28

[illegible]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			Dept. CE88
Honorable		Judge	M. ARNOLD	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Reporter

1:30 pm

BD455662

Britney Spears (N/A)
VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

- Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

NATURE OF PROCEEDINGS: EX PARTE APPLICATION - FILED BY RESPONDENT

Matter is called for hearing.

Petitioner's oral motion pursuant to Section 214 F.C. is granted and the matter
proceeds as a closed hearing.

The Court and all parties present confer on the record.

The Court makes the following findings pursuant to Family Code §3087. The
Court made further specific factual findings pursuant to Family Code §3087 as are
described in the transcript of these proceedings. Family Code §3087 provides
that: An order for joint custody may be modified or terminated upon the petition of
one or both parents or on the Court's own motion if it is shown that the best

Page 1 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

interest of the child requires modification or termination of the order. If either
parent opposes the modification or termination order, the Court shall state in its
decision the reasons for modification or termination of the joint custody order.

On August 8, 2007, the Respondent filed an Order to Show Cause Re:
Modification of Child Custody; Visitation; Injunctive Order, and Attorney Fees and
Costs (Respondent's OSC).

A hearing on the Respondent's OSC was held on September 17, 2007.

Respondent's OSC was continued to November 26, 2007, at the Petitioner's
request in order to complete a requested Child Custody Evaluation and to allow
the parties to conduct discovery and other preparation for the hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept. CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

Based on the evidence presented by the parties in their respective pleadings and during the course of the hearing, the Court made certain orders pursuant to Family Code §3022 (Family Code §3022 provides: The Court may, during the pendency of a proceeding or at any time thereafter, make an order for the custody of a child during minority that seems necessary or proper.)

On September 17, 2007, the Court made certain specific orders with regard to the minor children. The September 17, 2007, orders provided:

The Court makes the following interim orders pursuant to Family Code Section 3022. These orders are made without prejudice pending the child custody evaluation and the full hearing on the Respondent's Order to Show Cause Re: Modification of Child Custody and Visitation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

*For purposes of clarification the minor children referred to in these orders are
Sean Preston Federline, Birth Date: 09-14-05; Jayden James Federline, Birth
Date: 09-12-06.*

*Counsel have met and conferred with regard to selecting a Child Custody
Evaluator and have been unsuccessful. Counsel for respondent has previously
submitted his list of proposed evaluators. Counsel for petitioner is directed to
submit a listing of three proposed evaluators within 24 hours of this date and the
Court will make the determination.*

*Counsel are ordered to forward a copy of the orders issued this date to the Child
Custody Evaluator.*

Page 4 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07				Dept: CE88
Honorable		Judge	M. ARNOLD		Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS		Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585		Reporter

1:30 pm

BD455662

Britney Spears (N/A)
VS.
Kevin Federline (X)

Counsel For
Petitioner: TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent: KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

The Court declines to modify the existing custodial timeshare.

The parties' stipulated custodial arraignment as set forth in the Second Further Judgment, remains in full force and effect with the following terms and conditions imposed.

Neither party shall remove the minor children from the State of California, absent the prior written consent of the other parent or prior order of the Court. In all instances of out of state travel with the minor children, whether through stipulation of the parties or prior order of the Court, the party removing the child from the state shall provide the other parent with a full itinerary, complete with all addresses and telephone numbers for the location(s) of where the children will be staying for the

Page 5 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

*duration of the trip. Said itinerary shall further contain all travel arraignments,
including flight numbers for the children.*

*Each party is restrained from making derogatory remarks about the other party
and the other party's family or significant other, either directly or indirectly to the
minor children, and from allowing anyone else to do so. This includes any person
employed by the parties.*

*Each party is ordered to complete the PARENTING WITHOUT CONFLICT
program and file verification of completion with the court. Each party to submit
verification of enrollment in either the Parenting Without Conflict program or other
equivalent program within five days of this date.*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			Dept. CE88
Honorable		Judge	M. ARNOLD	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

*Each party is restrained from using corporal punishment with the minor children
and from allowing anyone else to do so.*

*Parties may select an alternative mental health professional to assist them and
provide the Court with written notification of their selection within five days of this
date in lieu of the Parenting Without Conflict program.*

*Parties are to engage in joint co-parenting counseling. Parties are ordered to
equally share in the costs for the joint co-parenting counseling. Counsel are
ordered to meet and confer with regard to selecting a therapist. In the event that
counsel are unable to reach an agreement within five days of this date, they are
each to submit a listing of three proposed therapists and the Court will make the
determination.*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

Neither party shall consume alcohol or other non-prescription controlled substance during or for the 12 hours immediately preceding any period such party is responsible for the health and safety of the minor children.

Petitioner shall engage in individual counseling to address parenting issues at least once per week. Counsel for petitioner is to provide the Court with written notice as to the professional selected within ten days of this date.

Each party shall advise the other of his or her current residence address, and phone numbers and shall advise the other of any changes within 24 hours of any such changes.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			
Honorable		Judge	M. ARNOLD	Dept: CE88
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Deputy Clerk
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Court Assistant
				Reporter

1:30 pm

BD455662

Britney Spears (N/A)
VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

*Each party is ordered to notify the other within 48 hours of any change in the
employment status of the children's existing child care professionals.*

*Each party is ordered to notify the other within 24 hours of retaining any new child
care professional for the minor children.*

*Any prospective child care professional for the minor children must hold valid
certifications by the American Red Cross in Infant and Child CPR as well as in
Basic First Aid. In the event that the existing child care professionals do not
possess these certifications, the certifications must be obtained forthwith.*

*Pursuant to the stipulation of the parties, the Petitioner is ordered to meet with a
Parenting Coach for a minimum of eight hours each week, in at least two sessions*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07		Dept: CE88
Honorable		Judge	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	Reporter
			M. ARNOLD
			R. WILLIAMS
			GINGER WELKER, CSR#5585

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

per week. The Parenting Coach is to observe the Petitioner's interaction with the minor children and her parenting skills. Counsel are ordered to meet and confer with regard to selecting the parenting coach. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed coaches and the Court will make the determination.

Costs for the Parenting Coach to be borne by the Petitioner.

The Parenting Coach shall provide each counsel with a written progress report by October 22, 2007. The Parenting Coach shall appear in Department 88 on November 26, 2007.

Page 10 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			
Honorable		Judge	M. ARNOLD	Dept: CE88
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Deputy Clerk
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Court Assistant
				Reporter

1:30 pm

BD455662

Britney Spears (N/A)
VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

Pursuant to Family Code Section 3041.5, the Petitioner is ordered to undergo testing for the use of controlled substances and alcohol. Based on the Evidence presented, the Court finds that there is a habitual, frequent, and continuous use of controlled substances and alcohol by the Petitioner.

The costs of testing shall be paid by Petitioner.

Testing shall be conducted twice per week on random dates and times.

The results of said testing shall be forwarded to the Court and will be sealed in the Court file. The testing facility is specifically ordered to file hard copies of the results directly with the Court. The testing facility is ordered not to fax the results to the Court. The results shall not be released except upon order of the

Page 11 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept. CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

*Court. Any person receiving test results upon order of the Court shall receive
notice that unauthorized distribution of test results is punishable by civil sanctions
of up to \$2,500. (Family Code Section 3041.5).*

*Counsel are ordered to meet and confer with regard to selecting a testing facility in
conformity with Section 3041.5 F.C.. If counsel are unable to agree upon a facility
within five days of this date, the testing shall be conducted through Sentinel
Offender Services.*

*The Court orders that the testing facility is to give notices of testing directly to
petitioner and not through her counsel or representatives.*

Page 12 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

On September 24, 2007, the Court conducted a Status Conference with the parties regarding the September 17, 2007, orders. Based on information received at that conference, the Court made certain orders, as reflected in the submitted Order After Hearing.

The Court further ordered that as of 10:00 a.m. on October 1, 2007, the Petitioner must present a signed copy of the Court's September 17, 2007, Order After Hearing in conformity with that order or personally appear in Department 88 of the Los Angeles County Superior Court.

A hearing was held on October 1, 2007. The Petitioner did not appear at this hearing; however she was represented by counsel. The Petitioner did not present

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			Dept: CE88
Honorable		Judge	M. ARNOLD	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Reporter

1:30 pm

BD455662

Britney Spears (N/A)
VS.
Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

a signed copy of the Court's orders as directed in the Court's September 17, 2007
and September 24, 2007 order.

Based on the arguments of counsel and evidence presented at that hearing, the
Court made orders as reflected in the Court's Order of October 1, 2007.
Specifically, the parties represented that the Respondent was to begin a period of
visitation with the minor children on October 1, 2007, at 12:00p.m. lasting until
October 3, 2007 at 12:00 p.m. The Court ordered that at the scheduled conclusion
of that visit, the minors would remain in the Respondent's custody pending the
hearing on Respondent's *Ex Parte Order to Show Cause* set for October 3, 2007
at 1:30 p.m.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07				
Honorable		Judge	M. ARNOLD	Dept:	CE88
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Deputy Clerk	
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Court Assistant	
				Reporter	

1:30 pm

BD455662

Britney Spears (N/A)
VS.
Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

The hearing on the Respondent's *Ex Parte* Order to Show Cause was held on October 3, 2007. Based on the evidence presented at the hearing and the arguments of counsel, the Court makes the following orders pursuant to Family Code §3022 and Family Code §3084. (The Court notes: *In re Marriage of Slayton & Biggums-Slayton* (2001) 86 Cal. App. 4th 653, and the reference to Penal Code section 11165.2 (b) with regard to orders made pursuant to Family Code §3084)

The Petitioner offered evidence of compliance with a number of the specific orders made by the Court on September 17, 2007. However the Court finds that based on the evidence presented and recorded within the transcript of the proceedings, the Petitioner was not in substantial compliance with material provisions of the Court's September 17, 2007, order.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

Based upon the evidence presented, the Court makes the following orders:

The Court's order of October 1, 2007, shall remain in full force and effect. The parties will continue to share joint legal and physical custody.

The minor children shall remain in the custody of the Respondent with the exception of those specific dates and times as ordered by the Court in the transcript of the proceedings.

Pending the further order of the Court, all visitation with the Petitioner, shall be in the presence of a monitor. The monitor shall be either the professional designated as the Parenting Coach by the Court, a monitor selected by the

Page 16 of 20

DEPT: CE88

MINUTES ENTERED
10-03-07
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07		Dept: CE88
Honorable		Judge	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	Reporter
		M. ARNOLD	
		R. WILLIAMS	
		GINGER WELKER, CSR#5585	

1:30 pm

BD455662

Britney Spears (N/A)
VS.

- Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

parties from the approved Los Angeles Superior Court list or an individual stipulated to by the parties in writing.

The monitor shall terminate visitation immediately if any conduct or action by the Petitioner endangers the minor children:

The monitor shall inform the parties and Court in writing forthwith if any such visitation is terminated by the monitor. The monitor's report shall describe the specific events and reason giving rise to a termination of visitation.

A copy of this order shall be provided to any person acting within the capacity of monitor as described in this order.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

The Petitioner shall bear all costs for the monitors.

The Court repeats its orders with regard to drug testing and the protocol for testing. The Court expressly indicates that a missed test, refusal to submit to a test, or failure to respond to the testing agency's call as specified in the September 17, 2007, order shall be deemed by the Court as a failed test.

The Petitioner shall forthwith commence individual counseling as ordered in the September 17, 2007, order. The Petitioner shall complete at least three individual counseling sessions by the next hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Judge

M. ARNOLD

Dept: CE88

Deputy Clerk

Honorable SCOTT M. GORDON

Judge Pro Tem

R. WILLIAMS

Court Assistant

35 S. VARTAZAROV

Deputy Sheriff

GINGER WELKER, CSR#5585

Reporter

1:30 pm

BD455662

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

The parties shall forthwith commence joint counseling as ordered in the
September 17, 2007, order. The parties shall complete at least three joint
counseling sessions by the next hearing.

The Court continues this matter to October 26, 2007 at 1:30 p.m.

The parties are ordered to personally appear in Department 88, Los Angeles
Superior Court at 111 North Hill Street, Los Angeles, California on October
26, 2007 at 1:30 p.m.

FORTHWITH each party is to be provided a copy of the Court's Orders and
are ordered to sign the order acknowledging both receipt of the Order and

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07			Dept: CE88
Honorable		Judge	M. ARNOLD	Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS	Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585	Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For
Petitioner:

TROPE AND TROPE - By: SORRELL
TROPE and LORI A. HOWE and
TARA L. SCOTT (X)

Counsel For
Respondent:

KAPLAN & SIMON - By: MARK
VINCENT KAPLAN and JAMES M.
SIMON (X)

confirmation that they have read the orders contained therein. The signed
acknowledgments are to be filed with the Court forthwith.

THE COURT ORDERS THAT THE PORTION OF THE TRANSCRIPT OF
PROCEEDINGS FOR THE CLOSED HEARING HELD IN THIS MATTER ON
THIS DATE IS ORDERED SEALED AND IS OBTAINABLE ONLY BY COUNSEL
OF RECORD APPEARING THIS DATE OR BY ORDER OF THE COURT.

The Court's Orders are effective forthwith. All prior orders not modified by
this order shall remain in full force and effect.

Counsel for Respondent is ordered to prepare the Order After Hearing.

[illegible]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 23

HON. ZAVEN V. SINANIAN, JUDGE

SAM LUTFI,

Plaintiff,

vs.

NO. BC406904

LYNNE IRENE SPEARS, et al.,

Defendants.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday, June 15, 2011

A P P E A R A N C E S:

For Plaintiff:

JOSEPH D. SCHLEIMER
ATTORNEY AT LAW
9401 Wilshire Boulevard
Suite 1250
Beverly Hills, California 90212
(310) 273-9807

For Defendant
Lynne Irene Spears:

TANTALO & ADLER LLP
BY: MICHAEL S. ADLER
ATTORNEY AT LAW
1901 Avenue of the Stars
Suite 1000
Los Angeles, California 90067
(310) 734-8694

ORIGINAL

(Appearances cont'd. on next page)

GABRIELLE AMMON, CSR #5202, RPR, CRR
OFFICIAL REPORTER

EXN

1 For Defendant
2 James Parnell Spears:

GLADSTONE, MICHEL,
WEISBERG, WILLNER & SLOANE
BY: GARY R. WALLACE
ATTORNEY AT LAW
4551 Glencoe Avenue
Suite 300
Marina del Rey, California 90292
(310)821-9000

6 For Defendant
7 Co-Conservators:

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS & LINCENBERG
BY: JOEL E. BOXER
BONITA DOMBEY MOORE
ATTORNEYS AT LAW
1875 Century Park East
23rd Floor
Los Angeles, California 90067
(310)201-2100

1 CASE NUMBER: BC406904
2 CASE NAME: LUTFI V. SPEARS, ET AL.
3 LOS ANGELES, CALIFORNIA JUNE 15, 2011
4 DEPARTMENT NO. 23 HON. ZAVEN V. SINANIAN, JUDGE
5 APPEARANCES: (AS HERETOFORE NOTED.)
6 REPORTER: GABRIELLE AMMON, CSR #5202
7 TIME: 9:00 A.M.
8

9 THE COURT: Sam Lutfi versus Lynne Irene Spears.

10 MR. SCHLEIMER: Morning, your Honor. Joseph
11 Schleimer for Sam Lutfi.

12 MR. BOXER: Good morning, your Honor. Joel Boxer,
13 B-o-x-e-r, and Bonita Moore on behalf of the
14 co-conservator.

15 MR. WALLACE: Good morning, your Honor. Gary
16 Wallace on behalf of defendant James Parnell Spears.

17 MR. ADLER: And good morning, your Honor. Michael
18 Adler on behalf of defendant Lynne Spears.

19 THE COURT: Okay. Good morning. The matter's
20 before the Court on two motions: Motion to Compel
21 Defendant James Parnell Spears to Produce Documents, and
22 second, Motion for Leave to Conduct an Independent Medical
23 Examination of Defendant Britney Spears. The Court's
24 tentative is as follows:

25 As to the motion to compel documents, there's
26 a request -- there are requests for judicial notice. The
27 co-conservators' request for judicial notice No. 1 is
28 granted. Court notes for the record that it does not

1 appear that the request for judicial notice No. 2 has been
2 filed, although it's been referenced in the opposing
3 papers.

4 As to defendant James Parnell Spears' request
5 for judicial notice, that is also granted.

6 With respect to -- plaintiff Sam Lutfi's
7 request for judicial notice contained in the reply is
8 denied under CRC 3.1113(1). Any request for judicial
9 notice must be made in a separate document listing the
10 specific items for which notice is requested and must
11 comply with Rule 3.1306(c).

12 ~~As to the motion to compel, the tentative is~~
13 ~~to deny.~~

14 As to the motion for leave to conduct an
15 Independent Medical Examination of Britney Spears, Court
16 will deny. Court needs further information regarding the
17 sealed order that purportedly prevents the Court from
18 granting such relief. Let me explain briefly.

19 ~~As to the request for production No. 2, which~~
20 ~~seeks all drug test reports concerning tests of Britney~~
21 ~~Spears taken during the period of October 1, 2007, through~~
22 ~~March 1st, 2008, it appears that the arguments made by~~
23 ~~defendants are well taken. The plaintiff claims that the~~
24 ~~drug tests are relevant to the libel, battery, and breach~~
25 ~~of contract causes of action all related to the issue of~~
26 ~~defendants' alleged false allegation that plaintiff was~~
27 ~~trying to drug Britney Spears into a coma.~~

28 ~~Request No. 3 seeks all baby monitor reports~~

(1) concerning Britney Spears and her children pertaining to a
(2) period between October 1st, 2007, and March 1, 2008,
(3) claiming that this information will refute defendants'
(4) allegations regarding plaintiff's conduct, such as cutting
(5) Britney Spears' phone lines, taking away cell phones, and
(6) trying to drug her.

(7) In opposition, the defendants have argued that
(8) the drug testing reports were ordered by the family court
(9) in September-October 2007 in the initial marital
(10) dissolution proceedings. The order that was issued by
(11) Judge Gordon at that time indicated that these results
(12) would not be released except upon order of the court. And
(13) the protection provided was in Family Code Section 3041.5,

(14) which provided that the results, in essence, may not be
(15) used for any purpose, including civil cases, except to
(16) assist the Court in determining, for purposes of the
(17) proceeding, the best interests of the child.

(18) On September 28 of '07, Judge Gordon issued an
(19) order regarding the drug and alcohol issues in providing
(20) further guidelines regarding the testing, in terms of
(21) procedure and confidentiality. That order tracks the
(22) language of Family Code Section 3041.5, and the order was
(23) repeated again on October 3rd of '07.

(24) With respect to the baby monitor reports,
(25) again, these were ordered by Judge Gordon in the marital
(26) dissolution proceedings, and it appears that monitor
(27) reports were filed under seal in the dissolution
(28) proceedings. The conservators, or the defendants in this

(1) case, have argued that the motion to seal creates highly
(2) sensitive information; and therefore, the baby monitor
(3) reports will be produced only in camera and the Court will
(4) be able to determine whether they fall within the scope of
(5) the pleadings and related records, which were expressly
(6) precluded from disclosure pursuant to the terms of Judge
(7) Gordon's order.)

(8) Defendants have also argued that Britney and
(9) her children's privacy rights manifestly outweigh
(10) plaintiff's interest in discovery. (The Court finds this
(11) argument convincing. (The documents plaintiff seeks are
(12) not directly related to plaintiff's claims. (There are
(13) other ways to discover whether allegations are false,

(14) including propounding written discovery. (As to the baby
(15) monitors, (these documents have even less relevancy in that
(16) they concern Britney's interactions with her children and
(17) have no relevancy to this matter.)

(18) Furthermore, there is a declaration by a
(19) monitor, Robin Johnson, which claims that the accusations
(20) regarding plaintiff were false. (It is unclear why this is
(21) insufficient as evidence to prove that the allegations
(22) made by defendants -- or the statements made by defendants
(23) were false. (The baby monitor reports would concern only
(24) Britney's interaction with her children, and the parties
(25) have not indicated that there is any relevant information
(26) regarding plaintiff in the reports.)

27 I will say that the parties have a protective
28 order in this case. However -- and I suppose if documents

1 were previously sealed in either the probate or the family
2 law proceedings, they can be submitted to this Court by
3 way of a seal. However, any documents -- it says here
4 also in your protective order that the parties' attempt to
5 file under seal cannot be filed under seal under
6 California Rules of Court 2.550, 2.551 without a motion,
7 application, and a court order.

8 So if you're filing documents, I caution you
9 that those documents may be conditionally filed under
10 seal. But ultimately, they will not be sealed unless
11 previously sealed by a judge of the family or probate
12 court, and you should indicate that. But they will not be
13 sealed by this Court until after a motion or application

14 is made and a full hearing is had.

15 All right. Court will not award any
16 sanctions.

17 Let me also briefly address the issue of the
18 Independent Medical Examination of Britney Spears. This
19 appears to be based simply on the claim for breach of
20 contract, which is the claim made against Britney Spears.
21 The lack of mental capacity to contract is essentially the
22 argument made. However, the Court notes that Judge Goetz
23 issued an order on April 27 of 2011 which may affect these
24 issues. It is unclear what the order contains, as the
25 defendants claim that it prohibited from publicly
26 disclosing the content of the order.

27 Given that this Court does not know the
28 contents of the sealed order, it's impossible to determine

1 the parties' respective rights and duties. Perhaps what I
2 could suggest to the parties is to return to the probate
3 court and allow Judge Goetz to have an opportunity to
4 address the issue. The invitation to this Court to
5 essentially overrule Judge Goetz somehow as if I'm sitting
6 as a general jurisdiction court versus the probate court
7 makes me an appellate court, and that's not going to
8 happen. So the best course would be to certainly return
9 to the probate court and see whether or not Judge Goetz
10 can make the determination as to this issue.

11 But insofar as this Court is concerned, I
12 don't believe, again, there's been a sufficient enough
13 showing based on the claim of breach of contract -- that's
14 my interim order -- that disclosure -- or mental
15 examination should be conducted at this time. I think the
16 privacy rights outweigh the right to obtain the
17 information.

18 That's the Court's tentative. I will invite
19 the defendants, who have opposed, if there's anything that
20 you would like to say at this time.

21 **MR. BOXER:** I would like to reserve a time to
22 respond to the plaintiff's argument, your Honor, if
23 necessary.

24 **THE COURT:** I will allow plaintiff to present the
25 arguments at this time.

26 **MR. SCHLEIMER:** Your Honor, I'm not sure. There
27 were documents filed under seal by both sides. I'm not
28 sure if those reached you. My client had one of the baby

1 monitor reports, which was filed under seal. And there's
2 no question but that the baby monitor reports throughout
3 them should have references to my client in them. And I
4 wasn't sure whether that evidence of that had actually
5 reached you, because it was issued by sealing. That --

6 **THE COURT:** If it was previously sealed by either
7 the family law court or the probate court -- I assume it
8 would be family law court -- there's no reason why it
9 would not remain as a sealed document.

10 **MR. SCHLEIMER:** I filed it under seal even -- even
11 though it was just amongst my client's things that he had
12 one of these reports. There's no question, your Honor,
13 that the baby monitor reports, throughout them, have

14 numerous references and descriptions of my client and his
15 conduct. Giving advice to Britney Spears, it's in there.
16 Giving -- taking orders from her, it's in there. Yes,
17 there's also references to him strapping the children in
18 their baby seats and even changing diapers, your Honor.

19 The portrait of my client the defendants have
20 publicly done were a lie, because of the nature of this
21 thing, is that he was some kind of Svengali engaged in all
22 these evil activities in her household. He was in her
23 household most of this time that he was her manager. He
24 was there a lot interacting with the baby monitors, and
25 they wrote about him and what he was doing.

26 Yes, Robin Johnson and the other monitors
27 are -- to the extent we can identify them, are available
28 as witnesses, but these are their contemporaneous reports.

1 The descriptions in the reports of my client's conduct and
2 his behavior are not an invasion of the children's privacy
3 or Britney Spears' privacy. They're writing about my
4 client. So I don't see that this would invade anybody's
5 privacy if redacted versions of these reports were used
6 during the testimony of the baby monitors.

7 With respect to the drug tests, your Honor, I
8 realize this 3041.5 issue is -- in the preexisting order
9 by Commissioner Gordon are difficult barriers to overcome.
10 But the UCLA tests are by far the most important ones. My
11 client was accused of drugging her at the end of
12 January 2008, right before she was -- she was put into
13 UCLA. Testing at admission to UCLA would by far be the

14 most important, in terms of refuting that or -- because my
15 client was her manager in her household right up to the
16 moment that she was incarcerated. If he was drugging her,
17 it would show up in those tests, if it was going to show
18 up at all.

19 Those tests are not subject to 3041.5 because
20 they're not ordered under the Family Code. They were
21 ordered by her doctors at UCLA. Those tests do not fall
22 under Commissioner Gordon's order because they weren't
23 administered by him pursuant -- as part of the custody
24 case. The UCLA tests -- it's partly my fault, your Honor.
25 In my original motion I talked about the UCLA tests and
26 their critical importance, but it was on page 5 or 6. It
27 probably should have been right in the first paragraph
28 about it. They're by far more important than the custody

1 tests.

2 Now, in terms of the Independent Medical
3 Examination, I think it's important to realize that there
4 are several issues that it relates to, not just the breach
5 of contract. They are asserting that she lacked the
6 mental capacity to contract. I don't know how I refute
7 that without an Independent Medical Examination if I'm
8 unable to call her as a witness. I guess I have my
9 client's testimony, and that's about it.

10 But there's the related question of whether
11 she has to appear for a deposition. I originally
12 requested an IME because I wanted to move forward with the
13 issue of mental incapacity. It didn't occur to me that
14 they would claim she was unable to testify. I didn't seek
15 her deposition until I propounded written discovery. And
16 I got responses which I felt were not just false but that
17 she would never testify to.

18 For example, most prominently, in the
19 interrogatory responses they deny that there was a
20 contract with my client. It was a contract between
21 Britney Spears and my client. There's only two witnesses
22 to this: The conservators. First said there was no
23 contract. They just flatly denied it ever happened. Then
24 later in their responses they said, and if it happened,
25 then it was a result of undue duress, and so on and so
26 forth.

27 So the issue of mental capacity to contract is
28 responded to with an IME. And when I originally requested

1 it, that was why I sought it. It was very informal. I
2 didn't, you know, threaten to make a motion or anything.
3 I just said I need to do this on those issues.

4 When I got the written responses to discovery
5 and it contained allegations like she didn't contract --
6 my client's already been deposed and he's testified there
7 was a contract, there's no other witness except the two of
8 them, and yet they're denying it -- I thought I need to
9 take her deposition. So I noticed it because written
10 discovery was inadequate to get the information, the
11 evidence, and, quite frankly, the testimony that I need.
12 I don't believe she will ever deny that there was a
13 contract. There's an e-mail from her about it, which my
14 client has authenticated.

15 Okay. The question of whether she can appear
16 for deposition, in terms of going back to the probate
17 court, your Honor, I'm not asking you to overrule the
18 probate court. Probate court issued -- in a secret
19 proceeding issued an order saying that conservators can't
20 produce her for deposition or an IME. It refers to an
21 anonymous psychiatrist not identified by name. I've never
22 been given their papers in that proceeding. Ultimately,
23 the order didn't purport to say that this department can't
24 make rulings for discovery in this case. It just
25 simply -- it simply restricted the conservators.

26 The question then emerges -- and this is,
27 clearly, a question for this department -- if Britney
28 Spears is now per se unavailable to be deposed and I can't

1 take an IME, is she going to show up at trial? I mean,
2 are they going to try to call her as a witness when we go
3 to trial? If my client brings a Motion for Summary
4 Judgment on the contract, a partial summary judgment on
5 the contract, are they going to use her declaration to
6 oppose it when she's the only other witness?

7 This is clearly not a question of overruling
8 the probate department, your Honor. What you have is an
9 instruction from a probate judge to a conservator. What
10 you don't have is anything saying that if another judge
11 orders these things, that you should disobey. I would
12 certainly not ask you to overrule her. But given the
13 nature of the proceeding, the ex parte, especially the

14 nature of the proceeding, I think that this is within the
15 jurisdiction of this department to make these decisions.
16 And the defendants have got to step up to the line and say
17 are they going to try to call her later.

18 I need her testimony to corroborate my client.
19 I need an opportunity to depose her and cross-examine her
20 to prevent her from contradicting my client at a later
21 date. I don't think she'll do it. But ultimately, the
22 drug tests should be their evidence. They aren't. The
23 baby monitor reports ought to be their evidence. If my
24 client was doing all the things in that household that
25 they've accused him of doing, where is it in the baby
26 monitor? It should be their evidence. Britney Spears
27 should be their witness.

28 All the discovery that I'm seeking pertains to

1 their evidence, not mine. These are not -- this is not
2 evidence that I need to make my case. My client can deny
3 he drugged her. Already has. My client can deny that he
4 cut the phones, and so on. He already has. He can
5 testify he entered into a contract with Britney. He
6 already has.

7 I'm seeking to get their evidence. And if
8 their evidence is not going to be provided to me, then the
9 order should specify that they can't make presentations in
10 the future, either using the evidence that I've been
11 denied, using testimony that I've been denied, or using --
12 or even contradicting the things that might have been
13 demonstrated by it.

14 For example, the drug test. She was being
15 drug-tested. My client knows she's being drug-tested.
16 He's supposedly drugging her. Okay. Where are the drug
17 tests? The inference to be drawn from the absence of the
18 drug test is, I think, supported by the Evidence Code. I
19 really -- I had no choice but to bring these motions, your
20 Honor. It's not that I really want to subject Britney
21 Spears to an Independent Medical Examination or even take
22 her deposition.

23 I started out with written discovery, which I
24 really sincerely believed that they would recognize we
25 have to admit the contract. We have to admit these
26 things. We have to start backing away from some of the
27 wild allegations that were made. They chose to proceed on
28 the assumption that Britney Spears would never testify.

1 Well, if she's not going to have an IME, if the probate
2 department has ordered that she's not to testify even at
3 trial, which is what the sealed order says, then she
4 should be precluded from testifying at trial.

5 And if they're going to claim -- continue to
6 claim my client drugged her, they should have to either
7 withdraw that allegation or produce the drug tests. I
8 think it needs to be framed to them in terms of their
9 decision, especially when you're talking about the UCLA
10 tests, your Honor. Because January 31st she's at home
11 with my client. She's in UCLA. Dr. Preskey's declaration
12 establishes that it would be routine to administer a drug
13 test, any drug test taken at UCLA.

14 I might add, there's one further thing, your
15 Honor, that the order should address, and that's privilege
16 log. All of these documents, including drug tests and
17 baby monitors, should be privilege-logged. The exact
18 date, time, and what consists of that's being withheld
19 should have been privilege-logged. It was not. Statute
20 is very, very clear on that, establishing even through a
21 privilege log that here are the dates that she was tested,
22 here's when she was tested at UCLA. And ladies and
23 gentlemen of the jury, you don't have this evidence.
24 Superior stronger evidence is not here, is it?

25 They should have to explain that at some
26 point. It's all well and good to say, I'm trying to
27 invade someone's privacy. I'm trying to get my hands on
28 what should be their evidence and, curiously, is not.

1 **THE COURT:** All right. I think counsel makes a very
2 good point -- and I'll hear out the opposition --
3 regarding this evidence being used at trial. So in other
4 words, if a few months from now all of a sudden all this
5 evidence appears that he was deprived of, I think it's
6 going to create a serious problem, and the Court may
7 certainly consider a motion in limine to that effect
8 precluding the use of that information. But I'll allow
9 defendants to respond.

10 **MR. BOXER:** We have no intention of introducing her
11 testimony at trial. We've been ordered not to produce her
12 for trial or deposition or an IME, and we are going to
13 comply with that. We're not going to sandbag, your Honor.

14 **THE COURT:** That's the probate court report --
15 order? All right.

16 **MR. BOXER:** We did lodge it with the Court under
17 request for judicial notice No. 2.

18 **THE COURT:** I believe there was some confusion about
19 that. Let me see here.

20 **MR. BOXER:** Well, we both agree and both revealed
21 the nature of the order. It extends to the trial,
22 deposition, or IME, which Mr. Schleimer was provided a
23 copy of the order, and we have accurately represented
24 that. And we're not going to sandbag, your Honor.

25 With respect to what inference is to be drawn
26 for lack of document discovery, I think that's a subtle
27 issue that has to be addressed. Obviously, it's of
28 concern. But I don't think standing here we can make all

1 the rules for purpose of trial, but we understand the
2 point that you can't withhold information and at the same
3 time rely on information. But what inference is to be
4 drawn, that's a subtle issue. I think it's not to be
5 decided on oral statement at the time of discovery.

6 Also, with respect to the claims against the
7 co-conservators on behalf of Britney Spears or her estate,
8 we only have a contract claim. We're not alleging she was
9 drugged. We're saying there either wasn't a contract or
10 it was terminated. With respect to defamation claims,
11 that's the position of other defendants, your Honor.
12 We're not representing those other defendants. So I'm not
13 sure exactly why we should carry the burden or they should
14 be burdened by prior court orders.

15 What we have here is Mr. Lutfi not going back
16 to the courts that issued the orders. He hasn't gone back
17 to Judge Gordon to seek modification. He hasn't -- he was
18 given notice of the sealing order, permanent sealing
19 order, on May 2nd. He did not appear on May 12th to
20 oppose Judge Goetz's sealing of the records of the
21 application, which were not made by the co-conservators,
22 they were made by separate counsel, your Honor. The reply
23 papers are misleading and inaccurate when they say that
24 the co-conservators sought the order before Judge Goetz.
25 They did not. They're the object of the order, they're
26 not the ones who sought that order.

27 And I believe your initial instincts are the
28 correct one. If Mr. Lutfi's counsel disagrees with the

1 impact and the import of Judge Goetz's orders, his first
2 place to complain or to seek relief or exception would be
3 before Judge Goetz, who issued the order, not here.

4 **THE COURT:** Yes.

5 **MR. ADLER:** Your Honor, may I be heard? Because I
6 represent Miss Spears, Lynne Spears, the mother. I don't
7 have access to the drug reports. So I'm not a party to
8 this motion. But to the extent that we're talking about
9 evidentiary inferences to be drawn on what my client says
10 his client said, because I haven't produced documents that
11 I don't have access to and they won't give me because the
12 Court won't let them, is not only premature, but I would
13 strenuously object to that.

14 **THE COURT:** Anything else?

15 **MR. WALLACE:** I would just add, your Honor, that I
16 agree with the remarks --

17 **THE COURT:** And you represent, just for the record?

18 **MR. WALLACE:** Pardon me. Gary Wallace for James
19 Parnell Spears.

20 I concur with the remarks of Mr. Boxer and
21 Mr. Adler, and I wholeheartedly agree with the Court's
22 tentative ruling in its entirety.

23 **THE COURT:** All right. What about the privilege
24 log?

25 **MR. BOXER:** These are not privilege per se. These
26 are ordered withheld. We've not had -- there are very few
27 documents that are the subject of this motion that would
28 be the subject of a privilege log, your Honor.

1 **THE COURT:** What about the UCLA drug tests?

2 **MR. BOXER:** Well, there's two parts to the UCLA drug
3 tests, your Honor. The only justification that we have
4 for the February testing is a statement by Mr. Lutfi that
5 he believes Britney Spears' father must have drugged her
6 during that month. He is implying drugs. They want
7 testing all the way through January. She went in on a
8 5150 hold on January 31st, 2008.

9 We have said in our papers -- and I'm
10 surprised it's the subject of a motion -- that if there
11 were appropriate protective order, the drug test
12 immediately following her admission to UCLA would be
13 produced if they weren't subject to another court order.

14 I'll give you the cite. I believe it's on page -- it's in
15 the meet and confer letter.

16 However, we're very concerned about Mr. Lutfi
17 keeping this confidential. He's already in violation of
18 Judge Gordon's orders with his moving papers. He revealed
19 in his moving papers the October and November 2007 drug
20 results after admitting he was aware of Judge Gordon's
21 order in his declaration. And so we're concerned that a
22 mere protective order will not protect that limited period
23 of time -- that is, when she immediately went into UCLA --
24 when we agreed in our meet and confer to produce those
25 materials.

26 We think he should be a separate signatory to
27 a protective order. They should not get copies. They
28 should be given an opportunity to see the reports but not

1 to copy them. Because Mr. Lutfi has not hesitated to
2 flout Judge Gordon's orders by his declaration revealing
3 the October-November test results. And I think given that
4 history -- and it's on page -- I'll get you the actual
5 cite -- page 22, paragraph 4, lines 15 and 16 of his
6 declaration, he discloses the results of court-ordered
7 testing.

8 On page 24 of the same declaration, Mr. Lutfi
9 admits he was aware that the drug testing was done
10 pursuant to Judge Gordon's orders. And given that, on
11 just having a mere protective order -- we suggested for
12 attorneys' eyes only, but I think the better method would
13 be to have a monitor, someone like a discovery ref, have

14 the drug test results -- if Mr. Lutfi and his counsel want
15 to see them, they can see them, but not to make a copy.

16 This case has received a great deal of
17 publicity. The fact that we have this self-serving
18 declaration revealing all sorts of private information
19 about Mr. Lutfi and his relationship with Miss Spears ad
20 nauseam suggests that he has no control on himself with
21 respect to what he'll say and do.

22 So he should be a separate signatory to the
23 protective order, and the drug reports should be available
24 only at a neutral party's place for observation. And that
25 way, Mr. Lutfi's counsel and Mr. Lutfi could review them.
26 That will be limited to the testing done immediately after
27 she entered the UCLA hospital at the end of January of
28 2008. That's a very limited period of time. Not all the

1 way through February.

2 He was enjoined from having any contact with
3 her starting February 1st. And drug tests at the end of
4 February would have no relevance to what he may have done
5 with respect to being involved in giving her prescription
6 pills and food, and things like that, which are the
7 subject of a defamation action. That would have happened
8 in January. So the test reports at the end of February
9 are not going to be of any help, and there's no showing
10 that such test reports way into February would be of
11 value.

12 But the immediate ones we offered in the meet
13 and confer, my colleague, Ms. Moore, wrote it in writing.
14 It's attached to the papers. If there's a truly strict
15 protective order and it's not subject to Judge Gordon's
16 orders, we have no problems producing that limited amount
17 of drug testing.

18 **THE COURT:** Would you like to respond?

19 **MR. SCHLEIMER:** Your Honor, the offer to produce the
20 drug tests was also not even mentioned in their opposition
21 papers. They're asking for an attorneys' eyes only
22 restriction on the results of the drug test. There are
23 ethical restrictions, and so you can't just agree to that
24 unless this is one of those cases.

25 He makes a point now arguing that my client
26 released private information about the drug testing. He
27 forgets to mention that every time she passed a drug test,
28 it was in the news. Every time she failed a drug test, it

1 was in the news. There's nothing private about a drug
2 test in November 2007. I was reading about it at the
3 time. I didn't even know Mr. Lutfi. I had nothing to do
4 with the case. Everything that's in his declaration was
5 thoroughly leaked by both sides to that custody case.
6 There's a \$2,500 fine if you get caught doing that, and
7 that is it. That's the consequence of violating the
8 3041.5. The legislature put that in there on purpose.
9 And both sides saw it to be their advantage in the custody
10 case to do that.

11 The attorneys' eyes only issue was briefed
12 thoroughly in the original motion. They didn't even try
13 to justify it in their opposition. He's raising it now
14 verbally. I'll say that the Code of Ethics require that I
15 tell my client the status of his case. I can't keep that
16 information from him.

17 The one limited place where courts have
18 allowed attorneys' eyes only has been in cases involving
19 secret formulas, pricing information, this sort of
20 information, with the consent of the client. Then in
21 those limited situations, the courts have allowed that
22 kind of discovery.

23 There's no reason why a drug test, which we
24 know is going to be negative, in terms of what he was
25 accused of doing to her, why that should be under an
26 attorneys' eyes only restriction. I can't tell my client
27 about it? I mean, if the Court feels that that's
28 appropriate, then I'll accept it on that basis. But at

1 what point do they simply admit that the drug testing
2 doesn't support the allegation that was made against him?
3 Why don't they just admit that and move on, and then
4 nobody needs a drug test.

5 MR. BOXER: Your Honor, perhaps I wasn't -- sorry.
6 I thought he was done.

7 MR. SCHLEIMER: Counsel didn't get into the concept
8 of the privilege log except to say that they're not
9 privileged. Well, the log requirement in CCP 2031 is
10 very, very clear. People call it a privilege log as a
11 means of convenience. But when you're withholding
12 documents, you have to identify what's being withheld.

13 The specific sequence of drug tests, when they
14 were taken, what dates, could be very important, your
15 Honor. We're going to be getting -- counsel tries to act
16 like the drugging allegation is not going to be part of
17 this case. It is. My client was terminated as her
18 manager with a petition to the court that said he was
19 drugging her. This is the first words that they used.

20 Now, the question that we're now finally
21 closing in on the scientific evidence to determine whether
22 that's true or false, that scientific evidence, whatever
23 it is, should be on a privilege log or it should be
24 produced, one or the other. And I think the code clearly
25 supports that. And because my being able to establish
26 that when she was tested -- and quite frankly, your Honor,
27 when she was not tested is maybe as important as when she
28 was. Think about this for a moment, your Honor.

1 The book -- the libelous books says that my
2 client told Mrs. Spears on January 28th that he was
3 drugging Britney, putting drugs in her food. January 28.
4 She was incarcerated at UCLA on January 31st. And they
5 went after my client with the accusation that he was
6 drugging her on February 1st.

7 Now, what drugs were taken during that four
8 days? What drug tests were taken? Even if we don't have
9 the tests, we know that they're not going to support the
10 allegation or they would have put them on the internet.
11 Just knowing when drug tests were taken and when drug
12 tests were not taken. January 28, my client tells her
13 mother, I'm drugging your daughter. Did she run out and
14 go to the police and get drug tests taken on
15 January 3rd -- 29th? No, it didn't happen. January 30th,
16 did you bring in the FBI to check and see what my client
17 was doing? Didn't happen. January 31st, when she checked
18 into UCLA, did you say, test her, because we think that
19 she was being drugged by this guy, Lutfi? Didn't happen.

20 Proving it didn't happen might be as important
21 as proving -- as getting the actual drug test. We know
22 the drug tests don't support them or else we would have
23 them probably in evidence already. Certainly UCLA.
24 There's nothing that stops them. Any testing that was
25 done at UCLA, your Honor, there's no order, there's no
26 sealing, there's nothing except their decision to suppress
27 it. It prevents them from putting those drug tests on the
28 internet. And if they implicated my client, they would

1 have used them.

2 MR. BOXER: Your Honor, first of all --

3 THE COURT: Last word.

4 MR. BOXER: First of all, perhaps I wasn't clear or
5 I wasn't loud enough. My suggestion for how to handle the
6 drug testing did not exclude Mr. Lutfi. I specifically
7 said he would be able to see them as well. Perhaps I
8 didn't articulate that well enough. I thought I had.

9 With respect to the drug testing, under
10 3041.5 -- that is, the pre-UCLA testing -- the statute and
11 the order specifically state it cannot be used for any
12 purpose other than the family law proceedings. If that
13 law is to be changed, perhaps he should seek the

14 legislature. If that order is to be changed, he should
15 talk to Judge Gordon. But the law is very specific.
16 Merely because there's a sanction of only \$2,500 if you
17 violate the order doesn't change the fact that the order
18 expressly states it can't be used for any other purpose.
19 And this isn't any other purpose, your Honor.

20 But we've yet to hear a justification for the
21 testing well into February. Testing -- and we've offered
22 in our -- we didn't think it was an issue in controversy
23 when his own meet and confer papers that are part of his
24 motion say, we'll produce this subject to the appropriate
25 protective order. I mean, that's not hiding the ball.
26 That's saying yes.

27 THE COURT: Okay. Thank you for the arguments.

28 On another note, before I finalize my order,

1 have you had your mediation yet in this matter?

2 MR. BOXER: We had a mediation. You mean -- yes,
3 your Honor.

4 THE COURT: Private mediation.

5 MR. BOXER: We had a private mediator before current
6 counsel was involved in the case. Mr. Freedman was
7 involved last year. It proved unsuccessful.

8 THE COURT: Have I requested that the matter be
9 submitted to the Mandatory Settlement Conference program?

10 MR. WALLACE: Yes. We had that discussion.

11 THE COURT: Did I refer you to the program?

12 MR. WALLACE: In the event -- I believe -- and this
13 is from recollection -- you informed us that in the event

14 that we did not subsequently mediate again, then we would
15 be referred to the program.

16 MS. MOORE: We had a date by which we were supposed
17 to submit those papers, your Honor.

18 THE COURT: And what's the date? Do you recall?

19 MS. MOORE: I don't recall that offhand. I'm sorry.

20 THE COURT: Well, since you're all here this
21 morning, I'd like you to go to Judge Bendix's court and
22 check with the courtroom assistant for dates. I'll give
23 you the form this morning. I'm going to order a Mandatory
24 Settlement Conference in this case.

25 The way it works is Judge Bendix's department
26 will arrange a time that's mutually convenient for all
27 parties to participate in a settlement conference, which
28 will be sometime within the next few months. And I'd like

1 all persons with settlement authority to appear. And the
2 issue will be, I suppose, if the conservatee will be able
3 to attend, right? The conservators will attend on behalf
4 of the conservatee.

5 **MR. BOXER:** That would be the case, your Honor.

6 **THE COURT:** All persons with settlement authority
7 are ordered to attend the settlement conference. The form
8 will be provided to you. One form should be submitted to
9 our department.

10 **MR. ADLER:** Your Honor, my client is out of state.

11 **THE COURT:** Just a minute.

12

13 (Court and clerk conferring off the record.)

14

15 **THE COURT:** Yes, go ahead.

16 **MR. ADLER:** My client is out of state. The previous
17 mediation I attended, and then she was available by phone.
18 I don't know if that would be acceptable under the
19 circumstance.

20 **THE COURT:** I believe if you've had a mediation in
21 the case, that should be adequate to accept you into this
22 program. If there are problems, please let me know and
23 I'll speak to the --

24 **MR. ADLER:** No. I guess when your order -- I just
25 wanted to be clear that in terms of individuals having
26 settlement authority, that my attendance combined with her
27 availability would be sufficient to meet, in terms of your
28 order.

1 **THE COURT:** Okay. Very well.

2 The clerk reminds me again to remind you that
3 if you have filed anything under seal that was not
4 previously sealed, must be returned to you. And if you do
5 intend to have any documents sealed by this Court, you
6 have to follow the California Rules of Court, and a motion
7 or application has to be set to seal the document;
8 otherwise, it's not going to be sealed. So please see the
9 clerk after the conclusion of the --

10 **MR. WALLACE:** In other words, a stipulation among
11 counsel is not sufficient?

12 **THE COURT:** It's not enough. Absolutely.

13 **MR. SCHLEIMER:** Your Honor, I believe the documents
14 that have been filed under seal by both sides are subject
15 to the sealing orders in the other cases.

16 **THE COURT:** Sealing orders, not protective orders.

17 **MR. SCHLEIMER:** Yes, sealing orders.

18 **THE COURT:** Because your protective order here says
19 (Reading:)

20 *In the event counsel for any party*
21 *determines to file or submit to the*
22 *court any documents containing or*
23 *disclosing confidential documents, such*
24 *pleadings or documents shall be filed or*
25 *submitted in conformance with California*
26 *Rules of Court 2.551.*

27 And I'm just reiterating that, that if you're
28 going to file anything that is not already sealed.

1 Because if it's previously sealed by --

2 THE CLERK: If it's previously sealed by another
3 court, we need a copy of the seal to put on the envelope
4 from the other court, the copy of the order. Otherwise,
5 we can't, and it would be --

6 MR. SCHLEIMER: And when we do need to file things
7 under seal, we do that by ex parte application or --

8 THE COURT: It should be done by way of motion and
9 application. I don't necessarily think it's better
10 practice to do it by ex parte application. I think it's
11 better to do it by a regularly noticed motion. Typically,
12 the way it happens is if a motion is filed and if there's
13 going to be documents that will require an order to seal,

14 those are filed conditionally under seal and then the
15 motion is heard subsequently.

16 MR. SCHLEIMER: It can be included in the motion
17 itself?

18 THE COURT: Well, I don't want to talk about giving
19 you instructions on how to do it.

20 MR. SCHLEIMER: It's all new to me, your Honor.

21 THE COURT: Well, the clerk is very busy this
22 morning. But if there was time, I'm sure she'd be happy
23 to discuss a few things with you. But she can't give you
24 legal advice, so remember that. Nor can I, for that
25 matter.

(26) (All right.) (The Court will adopt the order --
(27) the tentative decision as the order of the Court.) (Motion
(28) to Compel to Produce Documents as to James Parnell Spears)

① (is denied), (and the Motion for Leave to Conduct an
② Independent Medical Examination of Defendant Britney
③ Spears is denied.)

4 Court has -- will keep in mind, though, the
5 issues raised by plaintiff's counsel as to the ability to
6 present a case. And if there's deprivation of that
7 ability or due process violation, the Court may certainly
8 reconsider these issues at a later time. Okay?

9 MR. BOXER: Thank you, your Honor.

10 MR. SCHLEIMER: Thank you, your Honor.

11 MR. BOXER: I assume the Court is denying both
12 motions for applications for sanctions as well.

13 THE COURT: Yes, I'm also denying the applications
14 for sanctions. I think these issues are too important to
15 be concerned about sanctions at this point. We should
16 address the merits of the issues. All right. Thank you.

17 Notice is waived?

18 MR. BOXER: Thank you, your Honor. Yes.

19 MR. WALLACE: Yes.

20

21 (The proceedings were concluded.)

22

23

24

25

26

27

28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT 23

HON. ZAVEN V. SINANIAN, JUDGE

4
5 SAM LUTFI,

6 Plaintiff,

7 vs.

8 LYNNE IRENE SPEARS,

9 DefendantS.

)
)
)
) NO. BC406904

)
) REPORTER'S
) CERTIFICATE
)

10
11 I, GABRIELLE AMMON, Official Reporter of the
12 Superior Court of the State of California, for the County
13 of Los Angeles, do hereby certify that the foregoing
14 pages 1 through 28, inclusive, comprise a full, true and
15 correct transcript of the proceedings held and the
16 testimony taken in the above-entitled matter on
17 June 15, 2011.

18 DATED THIS 18TH DAY OF JUNE 2011.

19
20
21 

22 GABRIELLE AMMON, CSR #5202, RPR, CRR
23 OFFICIAL REPORTER
24
25
26
27
28

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is 1875 Century Park East,
23rd Floor, Los Angeles, California 90067-2561.

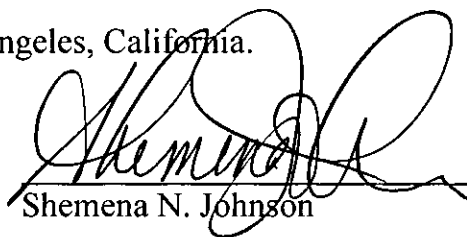
5 On July 16, 2012, I served the following document(s) described as
6 **DECLARATION OF JOEL E. BOXER IN SUPPORT OF THE CO-
CONSERVATORS' OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 2**
7 on the interested parties in this action as follows:

8 **SEE ATTACHED SERVICE LIST**

9 **BY FEDEX:** By depositing a true copy thereof in a box or other facility regularly
maintained by FedEx, or delivering a true copy thereof to a courier or driver authorized by
10 FedEx to receive documents, in an envelope or package designated by FedEx with delivery
fees paid or provided for, addressed to the persons listed on the attached Service List, with
11 written instruction for "next day" delivery.

12 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

13 Executed on July 16, 2012, at Los Angeles, California.

14 
15 _____
16 Shemena N. Johnson
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
Lutfi v. Spears
Case No. BC 406904

Leon J. Gladstone
Michael J. Aiken
Gladstone Michel Weisberg Willner &
Sloane, ALC
4551 Glencoe Avenue, Suite 300
Marina del Rey, CA 90292
Telephone: (310) 821-9000
Facsimile: (310) 775-8775
Counsel for Defendant James P. Spears

Joseph D. Schleimer
9401 Wilshire Blvd., Suite 1250
Beverly Hills, CA 90212
Telephone: (310) 273-9807
Facsimile: (310) 273-9809
Attorney for Sam Lutfi

Stephen F. Rohde
Rohde & Victoroff
1880 Century Park East, Suite 411
Los Angeles, CA 90067
Telephone: (310) 277-1482 , ext. 13
Facsimile: (310) 277-1485
Counsel for Lynne Spears